The Mood before the Vote *Paul R. Wieck*

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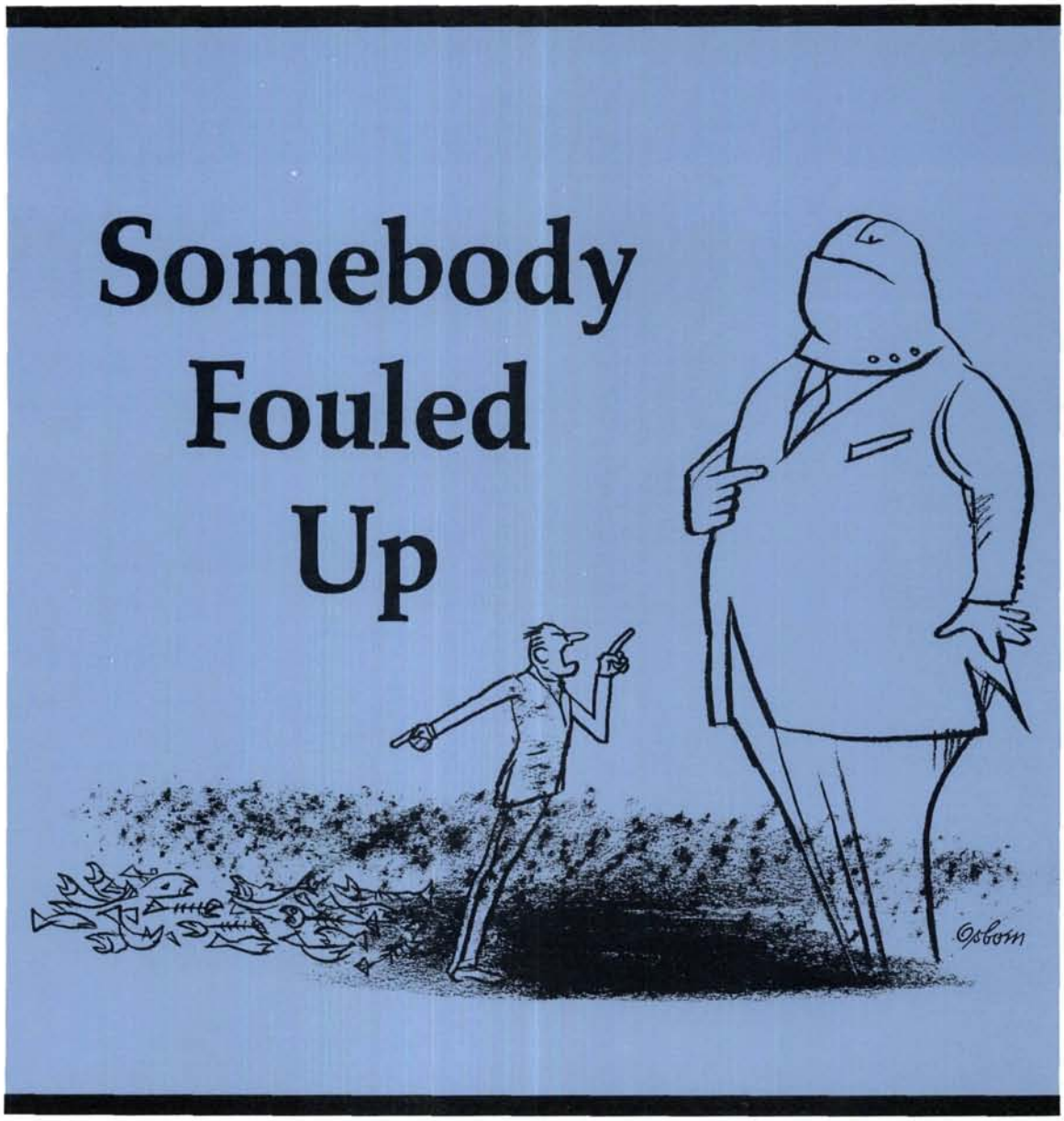

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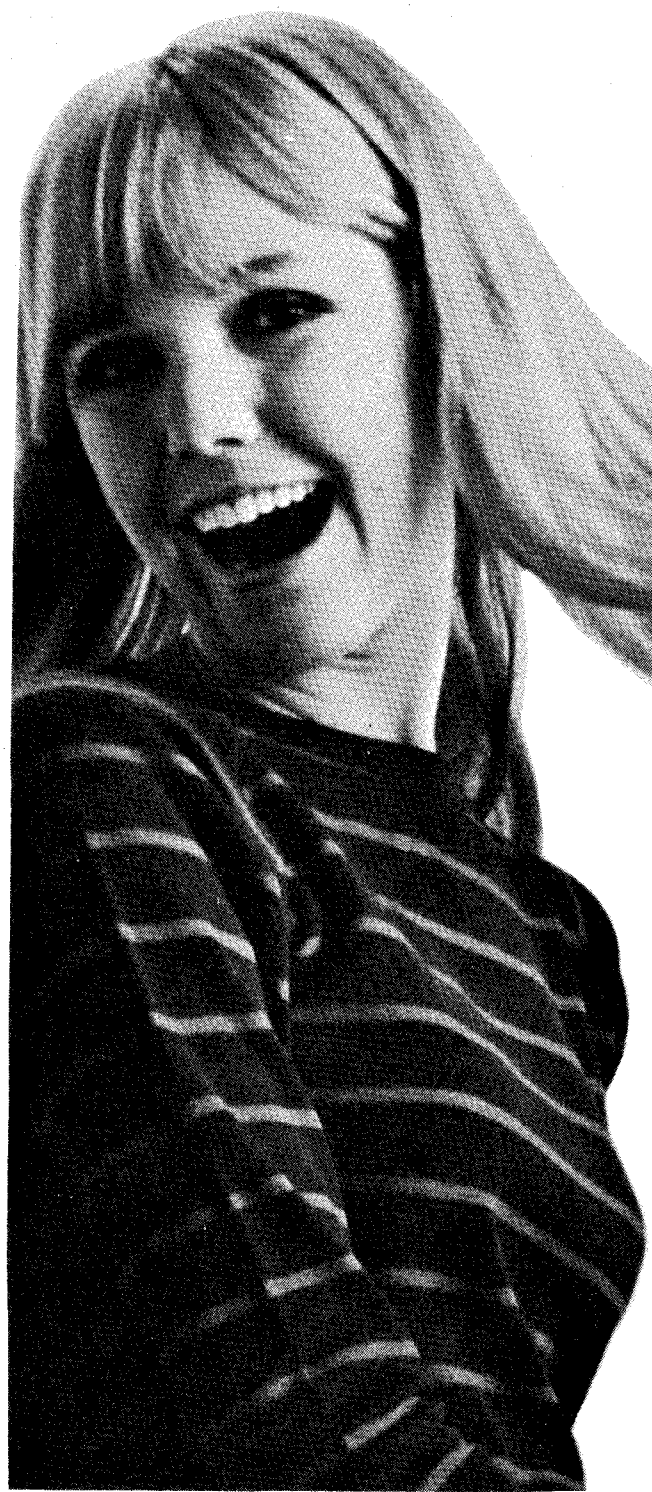

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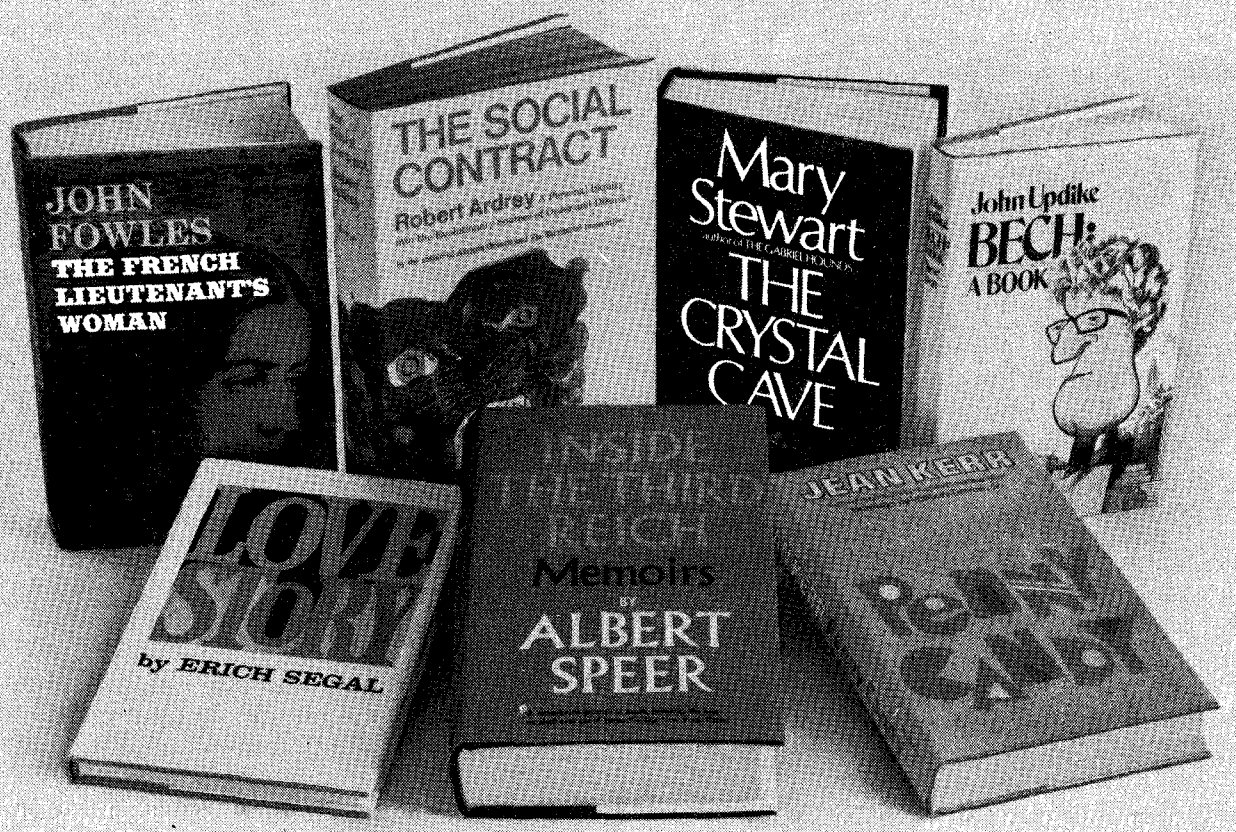

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One-Eyed Justice

Some trials are so tainted by prejudice, passion and hypocrisy that we instinctively call them "political," and then the process of law is as much on trial as the defendants. The trial of the Chicago Seven was an example.

The case of the 25 indicted in the Kent State affair, if they come to trial, seems in that category. There have been three investigations so far. The Akron *Beacon Journal* in July quoted the FBI as saying that the National Guardsmen were not surrounded, had not run out of tear gas, had not been hit by rocks or shot at by snipers, and that they were not endangered when they suddenly panicked and fired at taunting students, leaving four dead and nine bleeding on the ground.

Then came the Scranton report, an official investigation by a commission named by law-and-order Nixon and headed by moderate conservative William Scranton, former Republican governor of Pennsylvania. The report apportioned blame all round, to the students, to the Ohio authorities who issued live ammunition, and to the undisciplined Guardsmen who used it.

So now comes the third finding; a special state grand jury (not federal) which carries out the forecast made with curious prescience by Ohio attorney general Paul Brown who said that he did not expect indictments against the Guard. How right he was. Against the head of the student body, against a member of the faculty, against others of the community, along with a blistering tongue-lashing of intellectual permissiveness. But not the Guard. The findings are exactly contradictory to the Scranton report. It is an Establishment document, issued at election time, and it produces an awful sinking feeling of here we go again. This will radicalize youth if anything can and help to stir up the inevitable backlash of hysteria on which Messrs. Nixon and Agnew are skillfully playing in their effort to capture Congress. Let's wait till the votes are counted; our guess is the drive will fail.

And now there is a strange new test of the judicial apparatus with agonizing overtones of its own: the US *vs* Margaret & Alan McSurely. This 33-year-old husband and wife are found guilty of contempt of the Senate and sentenced last week respectively, to three and 12 months in jail. The record includes unlawful entry, dynamite, melodrama, yes, and a kind of love interest.

From every viewpoint the McSurelys were undesirable citizens to the coal barons in 1967 in the troubled valleys of Pike County, Ky., when they tried to organize the low-income mountaineers against the environmental wastes of strip mining. Alan, tall, slender, testing 95 proof idealism, is the son of a Dayton, Ohio newspaper man; Margaret a good-looking brunette. Both are previously married. They came as anti-poverty organizers for the Southern Conference Educational Fund.

Their economic outlook was simplistic. More coal comes from the scarred wastes of Pike County than from almost any other county in the nation, perhaps $100 million worth a year, and the operators pay only a $100-a-year business tax. Why not lay a local tax on each ton and buy schools, hospitals, roads and homes. Revolutionary? Alan McSurely loved to call it that.

So one midnight in August, 1967, Pike County authorities raided their small home under a 47-year Kentucky anti-sedition law which says you can't establish a Communist government in Pike County. It was a splendid no-knock raid before the new congressional anti-crime bill authorized no-knocks on a national basis, but here instead of drugs they seized something more dangerous, books. "We went to work against strip mining," McSurely said, "with the knowledge that our words and ideas are a thousand times more threatening to those who now sit in judgment than a bomb."

The McSurelys appealed. The case got national attention. No, a three-judge federal panel ruled, the Kentucky anti-sedition law is illegal. No, the courts ruled, the sheriff couldn't keep their library and letters. No, the Federal Communications Commission ordered, local radio and TV stations can't attack them without giving "equal time" to refute charges of "communism."

It looked like total victory. But if you try to end strip mining in Kentucky you can never be sure of victory. To begin with, on Dec. 13, 1967 a dynamite blast rocked their house and endangered sleeping year-old Victor (named after Socialist Eugene Victor Debs). That brought them back to a sense of reality. Then Sen. McClellan's subcommittee investigating riots in big cities entered the picture; it was trying to prove a link between SCEF and a riot in Nashville, Tenn. The McSurelys had attended a board meeting there shortly before the Martin Luther King assassination, which triggered the riots.

The McSurely library, which ranged from Marx to Fannie Farmer, along with private correspondence, was being held for "safekeeping" at the county office. An agent from the McClellan subcommittee came down and was given access to the books and letters. The court ordered them returned to the McSurelys – eager, dedicated, highly motivated, preposterously idealistic. They were returned. Then the playful McClellan subcommittee issued subpoenas demanding that the McSurleys produce just the same documents and material in Washington. It was a neat cat and mouse act. McSurley refused and must serve a year in jail.

He has appealed the case. A sidelight that is irrelevant legally but important emotionally is that the illegal raid seized correspondence between Margaret and Drew Pearson, once briefly her employer, and who was then attacking Sen. McClellan. McSurely was not aware of the letters. He first learned of them when a particular letter, addressed "Dear Cucumber" was handed back to him with a leer. The Senate investigator acknowledges that McClellan saw them. One reason he refused the subpoena, McSurely told the court, was that the Senate was "conducting an inquiry into my wife's love life."

It was all simple for the judge. The jury could consider only the single matter of whether the couple had, or had not, disobeyed legally issued Senate subpoenas. Nothing about strip mines. Nothing about tainted evidence. Nothing about rights of privacy. Sentence: 3 months, and 12 months, respectively.

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Pollution Politics

Six months after Earth Day, a growing movement unites Americans like nothing since Babe Ruth. Senator Gaylord Nelson says, "it can't be a fad, because it becomes more difficult to breathe each day." In retrospect, Earth Day was not just a channel for frustrated antiwar energies, as we thought. It signaled an awakening to the dangers in a dictatorship of technology. The strength of that new consciousness is about to be tested in a second serious skirmish with the government. (The first was over legislation to scare foundations away from financing any controversial activities.) The Internal Revenue Service has announced, whether after consultation with Treasury or the White House is not known, that it will suspend tax exemptions to public interest law firms that wage court battles on environment and consumer issues. Eco-savvy members of Congress and environment action groups are moving to contest the decision; Senator Nelson will hold hearings; Senator Clifford Case has objected. "Litigation in advancement of these [environmental] objectives," Case says, "falls squarely within the standards established by the Treasury's regulations for defining charity: these groups would be 'defend[ing] human and civil rights secured by law,' 'promot[ing] social welfare,' and 'lessening . . . the burden of government';" it is specious to contend that "the tax exempt status of these groups gives them an unfair advantage. Corporate legal expenses, as well as a large share of lobbying expenses, are incorporated in the regular operating costs of business which are passed along to the consumer to the degree to which they are not written off as tax deductions."

The IRS clampdown is intended to stop "citizen suits" brought against industry to reinforce weak antipollution legislation now on the books. It's aimed primarily at the environmentalists' use of the recently exhumed 1899 Refuse Act, which forbids discharges of refuse, except in liquid form from streets and sewers, into navigable waters without a permit from the Army Corps of Engineers. The Act permits injunctions against continued dumping, and citizens may sue if US attorneys do nothing after having been notified of the violation. These citizen initiatives are seen as incendiary by the Administration, sparks of a coming conflagration of class action suits. Senators Hart and McGovern, on the other hand, have introduced a bill *guaranteeing* every citizen's right to protect the environment against "unreason-

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able" impairment. Their bill, broadly interpreted, would allow someone in Oklahoma to bring federal suit against Con Edison to halt its pollution of New York, or even against the federal government to prevent construction of a Chicago freeway through the ghetto.

At most, the Administration would be willing to tolerate citizens sueing industries to force compliance with specific federal and state pollution standards. But what standards? In dramatic testimony to their inadequacy, the Administration last summer itself used the 1899 Refuse Act to prosecute mercury polluters. Not a single suit is being – or has been – prosecuted under the four-times amended 1956 Federal Water Pollution Control Act. (One case was settled out of court, and the Federal Water Quality Administration has issued eleven 180-day pollution abatement notices under the amended Act, all of which have met with compliance.) Under the Clean Air Act of 1963, the Secretary of HEW has authority to recommend air pollution cases to the Justice Department for prosecution. HEW has called for prosecution once, in 1965 against a Maryland firm that made fertilizer from fish and chicken carcasses. The Supreme Court last May upheld a court order to close that plant because it released "nauseating odors" across the Delaware state line. Last April, Congress passed the 1970 Water Quality Act, which covers oil pollution and delegates authority to the President to designate "hazardous substances" that "present an imminent and substantial danger to the public health or welfare. . . ." Seven months have passed without Mr. Nixon denominating the "hazardous substances."

Nonetheless, we suspect the White House is embarrassed by the IRS's use of brass knuckles against Public Defenders. The President has moved with a certain vigor in the field of ecology, considering that he mentioned the subject only once during his 1968 campaign. His State of the Union message this year was more of a State of the Environment message. He established a Council on Environmental Quality which he compared, somewhat grandly, to his Council of Economic Advisers, and appointed a dedicated conservationist, Russell Train, to head it (Train has publicly expressed his reservations about the prospective IRS crackdown on public interest law-firms fighting pollution). Mr. Nixon also proposed a new bureaucracy, the Environmental Protection Agency, to gather various federal pollution control organizations from HEW, Interior and Agriculture under one roof. And he has called for tougher legislation to insure clean air and clean water. But his Council on Environmental Quality has a small staff, small budget, and suffers from being exactly what it is – a Presidential advisory group. Bare mention of the SST controversy in its first annual report is an example of how such a council necessarily must operate. No independent judgements are likely to be pressed if they conflict with White House policy. As for the Environmental Protection Agency, which officially begins operation December 2, we can only look on warily while the Administration consolidates a bureaucracy without giving it sufficient means to move against the enemy. Washington abounds with tight little bureaucratic ships that never leave port.

The President's disinclination to spend the kind of money needed was illustrated earlier this year: he had to be prodded to use the entire $800 million voted by Congress to help cities build sewage treatment plants. Vietnam still takes top dollar. This penny-pinching is abetted by the legislators. Though 45 environment laws have passed since 1945 (16 since 1963), all have been starved by the conservative coalition that runs essential Congressional committees. Scattered members of Congress carry out the major work on environmental control single-handed. It's a coincidence of politics that the nation's two top legislative environmentalists, Senators Nelson and Muskie, are Democrats. Nelson, who invented Earth Day, probably comes closest to being the resident national philosopher on ecology, though his critics prefer that to read gadfly. The Wisconsin Senator has boldly proposed banning the internal combustion engine.

Senator Muskie, on the other hand, has cultivated a reputation as a firm, pratical legislator on these matters. Ralph Nader's group charged a few months ago that Muskie hasn't been firm enough, but that was before the Senator's Subcommittee on Air and Water Pollution introduced legislation requiring a 90 percent reduction in present automobile emissions by 1975 and imposing strong controls on air pollution by industries. A controversial provision of Muskie's bill gives citizens the right to file class action suits against government or industry to force compliance with the Act. The Senate approved the measure 73-0 last month and it is now in conference, with a good chance of being reported out for a vote before the lame-duck session of this Congress ends. The Muskie bill, if enacted, will be a major breakthrough.

But laws and good intentions will lead nowhere, if we continue underestimating what it takes to carry them out. Air pollution damage amounts to $13.5 billion each year; the figure for water pollution damage is $12 billion. One calculation is that the total cost of tackling air, water and land pollution between now and 1975 will be over $70 billion; $40 billion will be required over the next six years for municipal treatment plants (water). Assimilating the solid waste (billions of tons of trash) is going to cost an extra four or five billion dollars annually. And dollars alone aren't enough. In Senator Nelson's words, "no one is talking about the substantial changes that must be made in our society." He doesn't mean revolution; he does mean reassessing the claimed right of private enterprise to prosper at the expense of the amenities, the beauty, the health of the nation.

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Trade Trap

Congress seems resolved to impose quota restrictions on imported clothing and footwear, and the Nixon Administration appears powerless to prevent it, though the President declared a year ago that "such a policy of trade restriction would add to domestic inflation." Prices of essentials will rise, and the poor will be the chief sufferers, but the trade warriors claim they're saving the jobs of over two million textile workers. The claim is false, quite apart from the strong likelihood that many more jobs may be lost by retaliatory attacks on this country's exports. Senator Fulbright has pointed out that imports account for only four percent of the value of textile sales. But if imports of clothing and shoes are frozen by law, many other industries will redouble their clamor for protection. A wide and damaging trade war will be hard to prevent.

The Senate Finance Committee, which blocked Mr. Nixon's Family Assistance Plan, has tied the trade measure to the Social Security benefit increase so as to deter a White House veto. But the Administration had already bear-trapped itself, threatening Japan with a textile quota. The theory was, if Wilbur Mills made the motions of putting screws on Japanese textiles, the Japanese would voluntarily cut back their sales. When they didn't, the Administration was hoist with its own threats. The Mills trade bill went to the Senate, where more bristles were added to it. By its adoption, and if he lacks the nerve needed to veto it, Mr. Nixon will be virtually compelled to slap on import quotas whenever protectionists whistle.

The President knows very well what follows. He spelled it out last November: "Any reduction in our imports produced by US restrictions not accepted by our trading partners would invite foreign reaction against our own exports." Such retaliation is threatened by Japan, and by the European Community, whose six member countries annually ship $550 million worth of textiles and footwear to this country (and spend the dollars here). The Six say import quotas will breach the General Agreement on Tariffs and Trade. Because the US is a big exporter – $12.6 billion a year in Europe – the Six have a wide spectrum of counterattack open to them, from aircraft to computers to soybeans.

The threat of a trade war comes just as the US trade balance, long in the doldrums, is once again looking up. The reviving trade balance may be knocked on the head at a critical moment. The country's trade surplus vanished in recent years, but this year rose to $3 billion. A trade war would collapse it again. But that is only half the tale. According to Mr. Nixon at this time last year, the trade deficit was due largely to domestic inflation. Exports have happily risen since, but inflation is as bad as ever and import quotas will aggravate it. Thus the triumphant-seeming protectionists appear to be about to bring off a brilliant double-header in the way of economic disasters. And pointlessly. Exports to Japan rose 46 percent in the first seven months of this year, whereas Japanese exports to the US rose 19 percent; Japanese textile exports, the origin of all the protectionist lather, account for only 1.1 percent of textile sales here. American exports to the European Community have climbed by over a quarter this year and yielded a trade surplus of $1.37 billion for the half year, as much as for the whole of 1969; Europe's sales to the US rose only 9 percent. The protectionists complain that the Common Market's farm price policy cut down US cereals exports. But this year there is an upsurge in cereals sales, as well as further expanding US soybeans sales, which have been rising at an average 22 percent a year over a decade. The European agricultural policy unintentionally aided US soybean growers' sales, making protected corn so dear that Europe's farmers preferred buying imported soybeans. However, the soybeans may be the first target for European retaliation against US import quotas.

In his testimony to the Senate Finance Committee, Commerce Secretary Stans was notably complacent about the effects of import quotas on the country's overall trading position. Not so Secretary of State Rogers, who openly differed with his Cabinet colleague by emphasizing all the risks and likely losses, and predicting "serious harm to the United States." Nevertheless, it was probably too late to turn back the protectionist tide in Congress; the Administration should have acted sooner. Now it's up to Mr. Nixon to lean to Rogers and the facts and lean on Stans and the protectionists, or else eat his own warnings against import quotas being a strangulation of American trade.

Canada Can, Can We?

An official of the provincial government, who has since been murdered, and a British diplomat were being held for ransom when Prime Minister Trudeau of Canada, acting under a World War II statute, imposed a form of martial law in Quebec. He outlawed the Front for the Liberation of Quebec and all its members, and made it unlawful as well to aid it or them in any fashion, including by speaking up for them or in their behalf. Members of the Front and all others abetting them are subject to arrest on suspicion, without warrant, may not be admitted to bail, and need not be arraigned before a judicial officer for 21 days, or tried before a civil court for 90. Searches may be conducted without a warrant.

It continues to be recognized in Canada, says the regulation issued by the Prime Minister, in a pream-

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ble justifying his action, "that men and institutions may remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law." And Mr. Trudeau has added, more roughly, that there are "a lot of bleeding hearts around who just don't like to see people with helmets and guns," but that, "it is more important to keep law and order in the society than to be worried about weak-kneed people."

We have had no kidnappings of officials in the United States, although we have had killings in San Rafael, California. No one has seriously talked about martial law, or about detentions without warrant and without trial. Can what happened in Canada happen here? The kidnappings obviously could, but could the martial law and the detentions?

Troops – the people with helmets and guns of whom Pierre Trudeau spoke – can readily be called out, by governors and by the President, to aid the civil authorities; they have been called out with distressing frequency in recent years. Statutes outlawing such groups as the Weathermen or the Panthers – not by name, but in effect – can be passed. It may be, indeed, that laws sufficient to the purpose are already on the books; for example, the Smith Act, under which Eugene Dennis and other Communist Party leaders were convicted in the early 1950's.

But mere membership in an organization, without active participation in the effort to attain its unlawful end, and mere advocacy of violent overthrow of the government, without joining in an effort to incite others to violence – all this, for which anyone can now be arrested and punished in Canada, cannot be proscribed under our Constitution by state or federal government. Arrests and searches on suspicion, without warrant, cannot be authorized. The writ of habeas corpus, which guarantees to any arrested person immediate access to a civil court, cannot be suspended – as the Supreme Court held right after (not during) the Civil War – where the civil courts "are open, and in the proper and unobstructed exercise of their jurisdiction."

So it goes, by interesting contrast with our northern neighbor. But here, too, no less than in Canada, freedom is founded ultimately on respect for moral values and for law. Enough violent disorder, and men with helmets and guns will patrol the streets. Enough violent disorder, and the leaders of groups inciting to violence will be rounded up – on proper warrants; and put behind bars – after proper trials, having first been held on proper high bail. And where courts are violently disrupted and judges assaulted, it may not be possible to consider that they are functioning in the "unobstructed exercise of their jurisdiction," and then full-fledged martial law, with trials before military commissions, may follow.

Under our Constitution, the US would have great difficulty turning itself into a repressive society. But the American Constitution, as the late Justice Robert H. Jackson once remarked, is not a suicide pact either, and no American chief executive is likely to regard himself as having been elected to preside over the dissolution of the government. Lincoln didn't.

Test Case in California

There's an interesting fight going on in California's 13th Congressional District, one of a handful of bellwether contests next week between young veterans of the New Politics of 1968 and Old Guard incumbents. Gary Hart, 27, a Democratic dove and former aide to Rep. Allard Lowenstein, is challenging Rep. Charles Teague, 61, who has been in Congress 16 years and was reelected in '68 with 151,608 votes against his opponent's 78,628.

A seat and seniority on the Agriculture Committee have, in previous years, been Teague's passport to reelection from this 200-mile-long, strung-out stretch of California coastal plain that runs north from the bedroom suburbs of Los Angeles, through Santa Barbara, to Santa Maria. But much of once rich farm land has been taken over by land developers and transformed into what real estate brochures describe as "communities" and "suburban parks." The wealthy farmers like Teague; his own family's sizable land holdings win him backing as "a man who understands farmers." He has also been able to build a base among his new, conservative suburban constituents.

Gary Hart is a tall, gangly native. He went to Stanford University in 1961 after graduating from Santa Barbara High School where he was one of that dying breed, the All-American Boy – star half-back and student-body president. After graduating from Stanford, Hart picked up a Master's in education at Harvard, taught at Mississippi's Tougaloo College, marched with James Meredith and worked for McCarthy in New Hampshire, Wisconsin and Indiana.

In the primary this June, Hart was the underdog in a three-way race. He won by 6000 votes.

Democrats outnumber Republicans in California by over a million registered voters – in the 13th CD they have a three percent edge. But about 25 percent of the Democrats vote Republican – conservative Republican – and the switch-over could go much higher depending on the size of Governor Reagan's predicted victory over Jess Unruh. Hart and his young but seasoned aides have studied, precinct by precinct, the results of the Republican senatorial primary race between conservative George Murphy and liberal multimillionaire Norton Simon and drawn a lesson: reach a Simon voter – 34 percent of the district's Republicans – and there's a chance you win a vote for Hart.

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In Ventura County, the most populous in the district, the jobless rate has been running two percent above the national average. Layoffs have been particularly heavy in the electrical, aerospace and construction industries. Cutbacks at Vandenburg Air Force Base have brought hard times to nearby Santa Maria, "The Missile Capital of the Free World." Unemployment among the district's Mexican-Americans is worse. Much of Ventura County's Chicano population – 18 percent of the county's total – lives in a barrio called Colonia, where a third of the families live on less than $3000 annually. Unemployment in Colonia is 20 percent.

The United Farm Workers' strike against farmers trying to undercut the union by signing "sweetheart" contracts with the Teamsters has created a new campaign issue. Teague supports antistrike legislation sponsored by Senator Murphy, who would outlaw strikes during harvests, the only time migrant laborers have work and hence power to make effective demands. Hart is backing the lettuce workers' strike.

He is also tapping the conservationist vein, and along this stretch of coast interest in conservation is high. In Santa Barbara "GOO" is more than beach-blackening oil; it's an acronym for "Get Oil Out," a citizen's group organized to do just that. Hart is for revoking all government leases awarded to the petroleum companies to drill on 73 sites in Santa Barbara Channel. Teague is sponsoring an Administration proposal to end leases on 20 sites that have yet to yield oil anyway; and in exchange, the oil companies would be given productive inland sites.

At the University of California's large Santa Barbara campus, the fall quarter is now well under way. In the primary Gary Hart won nearly 90 percent of the vote in the Isla Vista student community. If other candidates fear a voter backlash against young activists, Hart doesn't. The bombing of the National Guard Armory in Santa Barbara Oct. 8 certainly hurt, but students remain one of the most valuable, low-budget resources he has. Teague has not appeared before the Santa Barbara students in four years. Hart, on the other hand, kept all-night vigils with other citizens during the Isla Vista rioting last February and criticized the rough tactics of the county sheriff's deputies.

Hart's biggest problem is the suburbs, for the campaign in the 13th Congressional District is largely about the quality of life in the new tract "communities." Among people in mortgaged, plaster-board ranch-style houses, "there is the mentality of the wasteland," Hart says. "It's as if the world were falling away from them. Their kids reject them, their work has little meaning, their marriages are foundering. Things are falling apart around them and they can't understand why."

William Seifert

Mr. Seifert *teaches journalism at the University of California, Berkeley.*

The Mood Before the Vote

Early in 1969, GOP strategists announced their goal for 1970 – pick up seven new senators. Of 34 Senate seats to be contested, 25 are held by Democrats; the odds were with the GOP. A stream of able young congressmen were summoned to the White House to be personally anointed by the President. He sent the Vice President on the chicken-and-peas circuit to pick pockets. A. J. Walter Thompson colleague of Presidential assistant Bob Haldeman's, Harry Treleaven, was assigned to crucial races. And last week Mr. Nixon himself went on the road. Yet, the conventional wisdom in the closing days reads that the most the GOP will get is two or three additional Senate seats, and a net loss is not out of the question. A modest Democratic gain, perhaps less than a dozen, is anticipated for the House, plus a handful of state houses now controlled by the Republicans. If the conventional wisdom proves wise, it adds up to an unexciting standoff.

No single issue dominates the campaign. Worried candidates query everyone who comes along, seeking an explanation for the large number of undecideds. The impact of careful organization is weighed. The prospect of a media blitz by the opposition tempers predictions. Incumbency seems the principal guarantor of victory.

The GOP strategy was the first to be unveiled, by none other than Mr. Agnew. Its genesis was obvious. Take a White House adviser named Murray Chotiner, dust off the script written in California over 20 years ago, and substitute hippie for communist. But in the final days, the script appears to be losing its punch. It isn't that voters aren't upset over crime, obscenity, drugs, campus unrest, demonstrations. Every poll shows they are, and that is doubtless helping the GOP in many places. But what's fashionably called "the social issue" may have been exploited too soon and too coarsely. By early fall of 1970, one of Mr. Treleaven's associates volunteered, that the Vice President was "burned out." His material is suffering from overuse, his switch to word games is ridiculous. He did poorly in places like Albuquerque, New Mexico, and Louisville, Kentucky. Even his San Diego appearance was disappointing. A few days after he launched a vicious attack on Joe Duffey, the Democratic senatorial candidate in Connecticut, Duffey's manager confidently reported it brought in new money and volunteers.

No more vulgar adaptation of the Chotiner technique can be found than that used by Senator Ralph Smith (*R*) against Adlai Stevenson III in Illinois. Stevenson first seemed to wince under the assault. Then he began to react more forcefully, and by mid-October his worried managers were sounding more hopeful.

Perhaps there's a basic flaw in Chotiner's script.

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In the post-World War II years, communism was seen as a mysterious force, a secretive influence of foreign origins. But every hippie is somebody's kid. And anyway, it's pretty hard to make a reasonable man or woman believe a public figure they've known or admired for years, a candidate whose hand they're shaken, is soft on hippies. It violates a basic rule of the big lie technique: it has to be believable. Adlai III a hippie? Albert Gore? Vance Hartke?

The war is seldom mentioned today. In Vermont, Phil Hoff reports only one query in months of campaigning. Everywhere, voters have been quieted by the appearance of continued deescalation. The economy still has big soft spots, but it's not an overpowering concern, though unemployment and predictions it could remain high into 1972 is hurting the GOP significantly in some areas. Bristol, Conn., has a 15 percent rate; Stockton, Calif., 14 percent.

New issues? None has emerged. Farmers in the Midwest are angry over the Administration's effort to kill the concept of parity; organized labor is pushing for national health insurance. But these are talked of in select groups. Pollution is still in the motherhood category. Everybody's for it, but nobody owns it as an issue. Neither party has been able to create a momentum from coast to coast, or nail down marginal seats early in the campaign. Organization may play a larger role than it has for a decade, and here the GOP has an advantage.

Take Texas. Two conservatives are competing, producing a high level of apathy. But Rep. George Bush (*R*) has the benefit of well-organized cadres in Houston and Dallas, and a new poll shows him ahead, 40 to 38, largely on the strength of the metropolitan vote. His opponent, ex-Rep. Lloyd Bentsen Jr. (*D*), has a dilemma. He eliminated the hero of the liberal coalition, Sen. Ralph Yarborough (*D*) in the primary, only to later discover the liberals have the only significant vote-producing machinery in the party. Bentsen's allies have unlimited money and the loyalty of Courthouse pols, but are without the foot soldiers many of whom will write in the name of New Party candidate Ben Russell.

The level of Democratic organization is uneven. Duffey has brought thousands of new workers into the party, and Stevenson's managers are trying to organize Chicago's suburbs for the first time. A trend toward party unity is visible among Democratic courthouse crowds in border states such as Tennessee and Virginia, where vigorous GOP challengers are beginning to look like a threat to them.

A media blitz in the closing days could alienate as many as it wins over, particularly if the shrill tones of the newsreel technique so many GOP candidates favor get on voters' nerves.

Our attention will be keyed to about a dozen states on election night. Here's a resume of some of them:

Vermont – a toss up. Hoff silenced rumors about his personal life by disclosing a drinking problem he claims to have conquered. His aides think he may have lost a little ground, but they've stopped a whispering campaign that could have ruined him. In the aftermath, he appears to be picking up steadily in the Burlington area, a Democratic stronghold where old-line party members had been unhappy with him. Nixon's campaign for Sen. Winston Prouty (R), Hoff's opponent in Burlington, drew a crowd far below GOP expectations. The President later called it a "disappointing morning."

Connecticut – The spoiler is Senator Tom Dodd. But whom is he spoiling? Surveys show him digging deeply into the conservative Republican vote at the expense of Rep. Lowell Weicker (*R*) while Duffey bags numbers of liberal Republicans. It shows the middle isn't always the place to be. Duffey is leading in the polls, sometimes by six to seven points. But he still faces a fight with Dodd for the traditionally Democratic working class vote. The leadership of organized labor is beginning to move in to help Duffey, as are old line party leaders.

New York – Vice President Agnew's attack on Sen. Charles Goodell had the expected result. It drove some liberals from Rep. Richard Ottinger (*D*) to Goodell, some GOP votes from Goodell to James Buckley, the pro-Administration candidate of the Conservative party. It may have put Buckley ahead of Ottinger in a close race, with Goodell trailing. But the Agnew timing was bad; it came too early. The chances are that liberal voters will swing back to Ottinger in sufficient numbers to elect him. Ottinger continues to campaign on what he calls "the populist" issues – jobs, the war, repression, the environment. Mayor Lindsay's endorsement of Arthur Goldberg, who had been trailing Gov. Rockefeller, has helped narrow the distance between the gubernatorial candidates to an arm's length.

Ohio – It looks good for the Democrats. John Gilligan continues to hold a strong lead in the gubernatorial primary and the first *Columbus Dispatch* poll on the senatorial contest put Howard Metzenbaum eight percent ahead of Rep. Robert Taft (*R*). This is one state, however, where President Nixon might have helped his candidates, whipping up some enthusiasm among rural Republicans who were pouting over a GOP State House scandal and threatening to stay home.

Illinois – All straw polls show Stevenson running ahead of his 1966 showing, when he won the State Treasurer's post. He is drawing big crowds in the suburbs where he needs the votes. By mid-October, the Smith TV assault was being counted a plus. "What Smith did was cement in his 20 percent, but he made the people in the suburbs uneasy," an Adlai aide says.

Tennessee – The drift of Wallace voters to Senator Gore continues. In mid-October, he made a swing

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through a couple of West Tennessee counties (his weakest territory) and was greeted by local Wallace leaders for the first time. Gore has picked up endorsements from Governor Buford Ellington, the leader of the party's conservative faction, and from his primary opponent. One question. Can President Nixon, who included Johnson City on his campaign itinerary, stem the flow of GOP mountain votes to Gore in the closing days of the race?

New Mexico – There's a conservative undertow in the southwest and Sen. Joseph M. Montoya (*D*) could be in trouble if the large undecided vote is affected by it. Most polls show Montoya winning easily, including some GOP surveys that put him up to 10 percent ahead. The big GOP effort in the final days is for its gubernatorial candidate, Pete Domenici. He's trailing right now, but his supporters hope for a big win in Albuquerque (where he was chairman of the city council), to offset the popularity in rural and small town areas of Domenici's Democratic opponent, Bruce King.

California – Rep. John Tunney (*D*) is pulling ahead of Sen. George Murphy (*R*) who is described as "not getting off the ground." Both Murphy and Gov. Reagan are being hurt by a faltering economy.

Utah – Only Sen. Frank Moss (*D*), a two-term liberal Democrat with a large personal following, could survive in Utah this year. The Mormon community is conservative, pro-Nixon and not unmindful of the fact that two of his Cabinet members share their faith – George Romney and David Kennedy. Both have been in the state repeatedly to stump for GOP nominee Larry Burton (*R*), but Moss clings to a narrow lead.

North Dakota – The tide appears to be with Rep. Tom Kleppe (*R*), but those close to Sen. Quentin Burdick (*D*) say the farmers, unhappy with Nixon policies, are sticking with the incumbent and that he'll pull through. To compound disaffection, Agnew failed to mention the farm issue when he campaigned here.

Close races are expected in Indiana, where Republican Rep. Richard Roudebush's abrasive tactics are counterbalanced by Sen. Vance Hartke's unappealing image; in Florida, where two new Democratic faces threaten to upset GOP plans to complete a sweep of the state's top offices; in New Jersey, where Sen. Harrison Williams (*D*) led Nelson Gross by only two points in a recent poll; and possibly Arizona, where Democrat Sam Grossman has been leading Sen. Paul Fannin (*R*) in some polls.

The extraordinary number of undecided voters makes it even harder to judge the outcome of marginal House races. Several promising newcomers are making strong bids, including Craig Barnes (*D*) who is ahead in Denver polls; Gerry Studds (*D*) who is doing well against Rep. Hastings Keith (*R*) in Massachusetts; and John Seiberling (*D*) who is making Rep. William Ayres (*R*) nervous in Akron, Ohio.

Paul R. Wieck

The Nixon Watch

"Now Do It!"

The President's last stop on his first day of open campaigning for Republican candidates was at Green Bay, Wis. It was early evening and the weather was mild, a welcome change after a day of political labor on windswept airports and in cold hangers in Vermont, New Jersey and Pennsylvania. Perhaps a thousand people stood at the edge of the Green Bay airport, behind local and state policemen and banks of portable floodlights. The lights were focused upon Air Force One, the blue and cream Presidential jet, leaving the crowd obscured in the dusk. Mr. Nixon, after a brief initial appearance, was aboard the plane, in conference with John Erickson, the Republican opponent of Democratic Senator William Proxmire; Lieutenant Governor Jack Olson, the candidate for Governor; and Congressman John Byrnes up for reelection to his fourteenth term. Most of the people outside were friendly. A hundred or so of them were not. They were young, they were clustered in a group to the right of Air Force One, and they were interspersing calls for "Peace Now" and "End the War" with ritual chants that the President and his companions had heard at Burlington in Vermont, at Teterboro in New Jersey, at Lancaster in Pennsylvania: "One-two-three-four – we don't like your fucking war" and "Five-six-seven-eight – we don't want a fascist state."

One of the chanters, a girl in blue jeans, fascinated me with her display of an unusual talent. She was chewing gum, and she never stopped chewing while she chanted. Two boys in their late teens, also chanting but not chewing, stood behind her. I went up to them and asked them if they realized that they and their friends were being extremely stupid and doing Mr. Nixon an enormous favor. The girl and the two boys fell silent for a moment, staring, and the girl actually stopped chewing. After the pause she said, "Sure, we realize it," and resumed her chanting and chewing. Baffled, I stepped back and found myself beside one of Mr. Nixon's more imaginative assistants. He laughed when I said that I felt at the moment like beating hell out of the chanters. "They're just having fun," he said. "That's what it is for them – fun, a festival." It was a festival for Nixon, too. Two, maybe three, rocks had flown in his direction from a clutch of protesters at Burlington. He had mentioned rock-throwers at every subsequent stop and would continue to mention them the following week. He had his lines on obscene dissent down pat before he left Washington, he had been using them all day, and the final episode at the Green Bay airport said all there is to say about the uses to which he and his staff were putting the strident young. A police officer came up to two

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patrolmen standing beside one of the floodlight banks and said in my hearing: "The minute the President steps out on the ramp, turn the lights on this bunch," nodding toward the chanters. When the patrolmen indicated disbelief, the officer said, "That's what they want us to do – *now do it*!"

Mr. Nixon emerged, most of the people yelled their welcome, and the floodlights fixed the choralists in a white glare. After a terse salute to his candidates ("the next Governor . . . the next United States Senator . . . your own John Byrnes"), the President looked toward the protesters, who were still shouting and said his piece. He seemed to know that it wasn't coming off as planned: the crowd was looking at him, not at his targets; he was too far away; it was too obviously staged, even for him, the only bobbled performance that I observed in three days of skilled performances at the start of an effort that would take him from coast to coast, to some 20 states. Visibly embarrassed and fumbling for the right words, the President spoke his lines anyway: "Let me say that I respect their right to be heard even if they do not respect my right to be heard. And let me say also, ladies and gentlemen, I can assure them that they are a very live minority in this country, but they *are* a minority, and it is time for the majority to stand up and be counted. The way you can be counted is not by trying to shout speakers down, not by throwing rocks, not by bombing buildings, not by shouting obscenities, but I will tell you how you can be counted: with the most quiet, powerful voice in the world, by voting on November 3 for Jack Olson, John Erickson and John Byrnes." It got a satisfactory cheer, though not the thunderous response that the same call upon "the great silent majority" to set itself apart from the young and violent and obscene minority elicited in later appearances in Ohio and Nebraska, in Missouri and Tennessee, North Carolina and Indiana. As he did everywhere else, in rain and cold, sunshine and darkness, the President then went to the crowd in Green Bay – not to the chanters but to his friends in the darkness beyond the lights, reaching for their out-reached hands, telling them they were wonderful people.

All of the states the President chose for his first forays gave him majorities in 1968 and all of them had Senators, mostly Democrats, who had opposed him on major issues. That anomaly provided his central theme. It was "whether or not the President . . . gets the power to do what he promised to do." He was pleading for a strong and effective Presidency, presenting himself as a President who could be strong and effective only if he had the support in Congress and particularly in the Senate that (as he told it) the Democratic majorities in both houses had denied him. The Republican indifference and opposition which had substantially contributed to his troubles with two of the domestic measures that he cited in every speech – revenue sharing and welfare reform – were not mentioned. His surviving bitterness over the rejection of his Southern nominees for the Supreme Court, Clement Haynesworth and Harrold Carswell, became even more obvious at successive stops, but there was no reminder that Republican votes against both nominations made the deciding difference. Those and his other searing difficulties – on war policy, on the ABM, on appropriations in excess of his budget requests – were blamed now only on such Democrats as Quentin Burdick in North Dakota, Albert Gore in Tennessee, Stuart Symington in Missouri, Birch Bayh and Vance Hartke in Indiana. One wondered, watching such Republican dissidents as Clifford Case in New Jersey and William Saxbe in Ohio, posturing and smiling at the President's side in their states, how some of his simplifications really affected them. But that kind of thought seemed to be by the way, a nasty irrelevancy, during Mr. Nixon's preelection show of a master politician.

Mr. Nixon never during the first days on the road let up on his play of the "great silent majority" against the young and vocal minority, even when representatives of the latter failed to favor him with obtrusive manifestations. Always he managed to get back to that subject, and always in the terms that he used in Green Bay. At Columbus, Ohio, he was at his worst and his best in dealing with it. The usual chorus, mostly provided by students from Ohio State University, was in evidence when he addressed a big throng on the capitol grounds. Two girls with long blonde hair, in their mid- and late teens, made their way into the privileged area just beneath the podium where the President spoke. Silent, edging steadily forward, looking up at him, they made the V sign for peace with their right hands. He saw them, looked away, looked down at them again, and swallowed – hard. Then, never pausing in his speech, he pulled his eyes away from them and did not look their way again. Afterward, he broke away from most of his press party and had himself driven, unannounced, to the Ohio State campus. It was a courageous thing to do and he did it well. A few four-letter chanters mobilized and were told to shut up by the hundreds of students who surrounded him. For 18 minutes the President talked to them of his will for peace, they talked to him of war, and they and he listened to each other. He used the episode later, with the inevitable exaggerations, in dubious proof that the dissenting minority was as small and vicious – he used that word – and as detested by the student majority as he said it was. Even so, the accounts of the few reporters who witnessed the exchange at Ohio State made me think better of Mr. Nixon than I did when I watched him in his brief and silent and craven exchange with the girls who made the V sign at him on the capitol steps.

John Osborne

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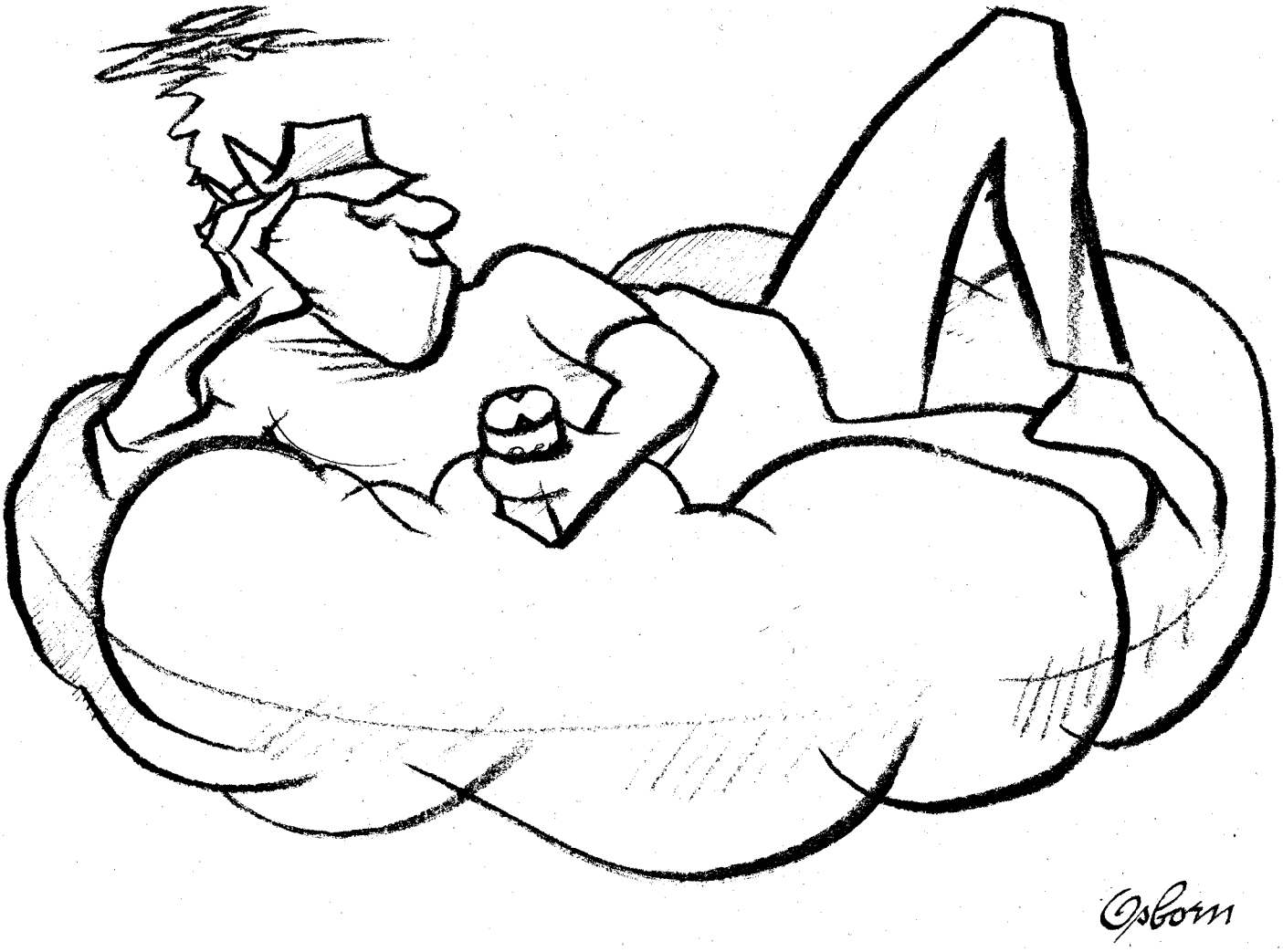

Somebody Fouled Up

Cloud Nine

The pursuit of happiness shapes our manufacture and consumption, work and leisure, conservation and despoliation – activities which can't go on freely and simultaneously without colliding. You can't cut a redwood and enjoy its natural majesty, too. It's the part of public policy to decide how many trees should stand to give pleasure, and how many should be sacrificed to the pursuit of profit by loggers and builders.

In his message to Congress on the environment early this year, President Nixon recommended we "conserve what we have" and "repair the damage already done." He didn't mean conserve everything or repair all the damage, since we're bound to use up some of nature's gifts and we can't undo all that's been done wrong for the past hundred years. But we can begin making more rational, humane decisions about the life that's worth living, and it need not be a life of poverty. The control and elimination of pollution, the protection of irreplaceable natural resources, beautifying the land, all these must go hand in hand with the prospering of industry. The goal is balance between profiting from and protecting the environment.

James Ridgeway notes in his new book, *The Politics of Ecology*, that "virtually all our modern programs for controlling pollution begin with the premise that controlling pollution is essential for industrial growth." Early in this century, Progressives and Republican "conservationists," of whom Theodore Roosevelt was the leading champion, sought to develop resources in an "efficient" manner. "While many people remember the conservationists as forces of good, fighting it out with the special interests to save the land from savage rape, it must be remembered that they were not socialists. They objected to bad business, not to the idea of business. In practice, large corporations could most easily afford to take up the planning and efficiency concepts advocated by the conservationists."

To the extent that the ecology crusade of 1970 appeals to the President and intelligent businessmen, it appeals to them as altogether consistent with making a buck. Robert O. Anderson, the chairman of Atlantic Richfield, said recently that the auto and petroleum industries "have in some cases valued the wrong kind of efficiency. . . . In the case of the automobile, we

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have placed a greater value on the kind of efficiency that results in high speed and fast pickup. We should have been – and must now – place a greater value on efficiency of fuel consumption to reduce both pollution and the fuel required per mile of travel." This view is quite compatible with recycling waste metal, paper and glass (see "The Consumer" by Eliot Marshall, p. 27), with controlling auto emissions and such. For the new technology of pollution control invites rising profits. When there is money to be made from pollution abatement, or if the public can be made to pay for it, corporations will buy stock in the crusade.

Nearly all the haggling that goes on in writing and enforcing antipollution legislation deals with the economics of ecology. Thus, intelligent evaluation of measures proposed to limit pollution requires the reiteration of certain questions: Is it enough, will it work, who will pay for it, is the bill sent to the right address, and is the sacrifice, if any, worth the price? There are scores of cases in which the answers are: It isn't enough, it won't work, the public pays, and the polluter gets off the hook.

No one objects more to air pollution than the presidents of the major polluting companies, but until now they have escaped its consequences as only people with six figure salaries can. They buy homes as far away from their own factories as possible. According to Ralph Nader, James Roche, the chairman of General Motors, a company that is responsible for a third of the air pollution in the nation, lives in Bloomfield Hills, Michigan; John T. Connor, the chairman of Allied Chemical lives in New Vernon, New Jersey; Willis Boyer, president of Republic Steel, lives in Shaker Heights, Ohio. If you can't breathe, roll up the windows and turn on the air conditioning, which doesn't clean the air but makes you feel better.

The Secretary of Interior recently gave Edgar Speer, president of US Steel, a special "clean-water award," saluting that company's "initiative in pollution abatement" at two of its facilities. Some weeks later, the US sued US Steel as one of the major polluters. Speer thinks in terms of cost/benefit; we ought not to be carried away by the "dictates of emotion." He'd weigh carefully the ratio of fish killed and the cost of cleaning up the fish's habitat in determining whether clean water is worth the price. The chairman of Standard Oil of Indiana, John Swearingen, takes this argument further: "The central question is not whether we should have cleaner water, but how clean, at what cost. . . . Public enthusiasm for pollution control is matched by reluctance to pay even a modest share of the cost. This attitude will have to change."

Who's attitude? The public's or the polluters'? Effective legislation would require Mr. Swearingen to clean up the mess he makes. James Ridgeway would have the government take on injunctive power to force pollution abatement or close down the offending industry. And he would regulate prices so costs could not be passed on to consumers.

Making corporations liable for the harm they do is exceedingly difficult. After the Santa Barbara oil spill, the House and Senate passed liability amendments to the pollution laws. (See "The Seas" by Stephen Solomon, p. 21.) But while the law now requires polluters to clean up oil spills, it does not make them financially responsible to communities, businesses or individuals injured by the spills.

The basic technology to treat sewage and purify water was developed in the 19th century but has never been used on a wide scale. Sewage treatment plants that now exist and those which will be built (in insufficient number) work well enough for human wastes but are often fouled up by industrial waste chemicals. Much of the money spent on these systems goes into the pockets of construction companies and consultant engineers in excess profits. Homeowners pay proportionately more of the bill than industry.

The setting of standards for air and water purity is more often than not done in secret meetings closed to the public on the grounds that they involve companies' trade secrets. Compliance with standards, themselves set in accordance with industry wishes, is often voluntary, which is to say there is no compliance. Companies with subsidiaries producing devices to control pollution are among the principal polluters.

If the ecology movement of the seventies follows the course of other popular crusades it may be aborted. Attention spans are short, the obstacles formidable, and the idealists without much power. Power and where it resides are the real determinants. If it resides with the Atomic Energy Commission or the nuclear power lobby (see "Water and Air" by Howard G. Paster, p. 24) we may have more and more polluting atomic power plants. If it rests in the petroleum and auto industries, don't bet on clean cars by 1975, operating with an alternative power source to the internal combustion engine. If the Agriculture Department has its hearing aid turned on only when the pesticide manufacturers speak (see "The Bird and Bees" by Daniel Zwerdling, p. 17), Rachel Carson's worst fears will be borne out.

The public could wield power by expressing itself, by refusing to take on the primary burden of paying for restoring the environment, and by refusing to be taken in by industry's PR campaign to make us think industry has all these troubles in mind and in hand. Standard Oil of New Jersey, GM, and Procter & Gamble have two important things in common. They are polluters on an immense scale. And they advertised themselves as in support of Earth Day. When there are no phosphates in P&G's detergents and when cars burn clean, we'll know they were serious.

David Sanford

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Somebody Fouled Up

Birds and Bees

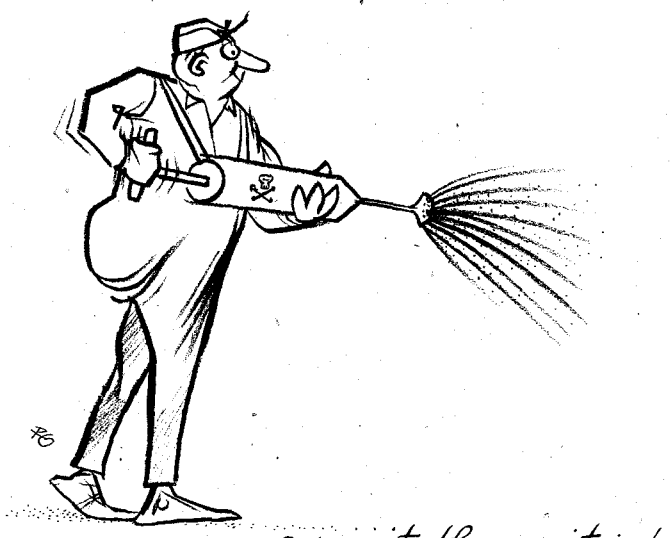
Americans dump and spray 1.2 billion pounds of pesticides each year on their gardens, lawns, forests, pastures, farms, lakes and rivers; the amount grows 14 percent every year. Literally thousands of pesticide formulations used every day around the home have potentially harmful effect on humans. One Philadelphia man died early this year after household termite spray with chlordane poisoned his bone marrow. The government places virtually no restrictions on consumer pesticide use. Anyone can buy the poisons and use them as he pleases, endangering both himself and his entire community. Lawn pesticides travel up to three miles on a calm day, settling on water which ends up in kitchen pipes and on plants which nourish the animals we eat. Major pesticides such as DDT – organochlorines – persist for years in the soil and atmosphere, accumulating in animal and human tissue. Scientists studying the effects of human exposure to these chemicals have barely broken the surface. Government researchers have looked at a handful in the past several years only because pending ecological disasters have brought them to public attention. "The field of pesticide toxicology," wrote a special HEW Commission on Pesticides last December, "exemplifies the absurdity of a situation in which 200 million Americans are undergoing life-long exposure, yet our knowledge of what is happening to them is at best fragmentary." The government response to the crisis indicates it hasn't learned the lesson.

When a suburbanite sprays weed killer on his lawn, chances are he's using 2,4,5-T, the same herbicide that the Defense Department has dropped in enormous quantities to defoliate the jungles of Vietnam. 2,4,5-T has remained a popular all-purpose herbicide since it was first developed as a chemical warfare agent in the late 1940s. But now scientists fear it may cause fetal deformities in pregnant women.

The government hadn't thought much about the side effects of 2,4,5-T until Sen. Philip Hart's environmental subcommittee probed herbicides in several hearings this spring. As early as 1966, studies by the Bionetics Laboratory for the National Cancer Institute showed 2,4,5-T is teratogenic in rats. Cleft palates and kidney abnormalities among the offspring raised the frightening possibility that such defects among human babies may sometimes result from overzealous use of weedkiller in daddy's garden. The findings weren't publicized until the HEW pesticide commission revealed them last winter, and called for immediate restriction of 2,4,5-T to minimize human exposure. Surgeon General Jesse Steinfeld apparently felt worried enough about the chemical to promise that the government would ban it by January. In April, 2,4,5-T production was still growing.

Spurred by Hart's hearings and embarrassing publicity, the Agriculture Department announced suddenly in April that it was suspending uses of 2,4,5-T in liquid formulations around the home and on water, and would cancel several other uses. Agriculture's actions won't go very far. There's a bureaucratic catch: all pesticides sold interstate must be approved and registered for specific uses by the Pesticides Regulations Division of USDA. *Suspending* a chemical revokes its registration, in effect banning further manufacture and interstate transport. USDA's suspension of 2,4,5-T in liquids around the home and on water accounts for only a fraction of the herbicide's total market. Dow Chemical Corp. (associated in most minds with napalm) estimates the ban will affect no more than 10 percent of its 2,4,5-T sales. USDA barely touched the 2,4,5-T used around the home in granular powder form, or dumped by the thousands of tons on food crops which end up on the dining room table. (FDA considers 2,4,5-T so toxic that it will seize foodstuffs with any trace of the chemical. Investigators have occasionally found contaminated food samples, but couldn't stop the entire shipments in time.) Instead, it *cancelled* these uses, a sluggish administrative mechanism which allows the chemical to be shipped and sold while manufacturers petition for advisory committees, hearings, and finally appeal the case in court – a process that can take years. Major 2,4,5-T producers filed their first round of protests in May; five months later USDA hasn't yet formed an advisory committee.

Agriculture Department officials have refused to take any action against 2,4,5-T used on range and pastureland, which account for 80 percent of its use. They say it is enough to warn farmers not to turn cattle loose on sprayed land for a "reasonable" time after treatment, to make sure the poison doesn't get in their milk, and eventually human stomachs. What is a "reasonable" time? Former Presidential science adviser Lee DuBridge recommends 30 days. Chemists have found 2,4,5-T per-



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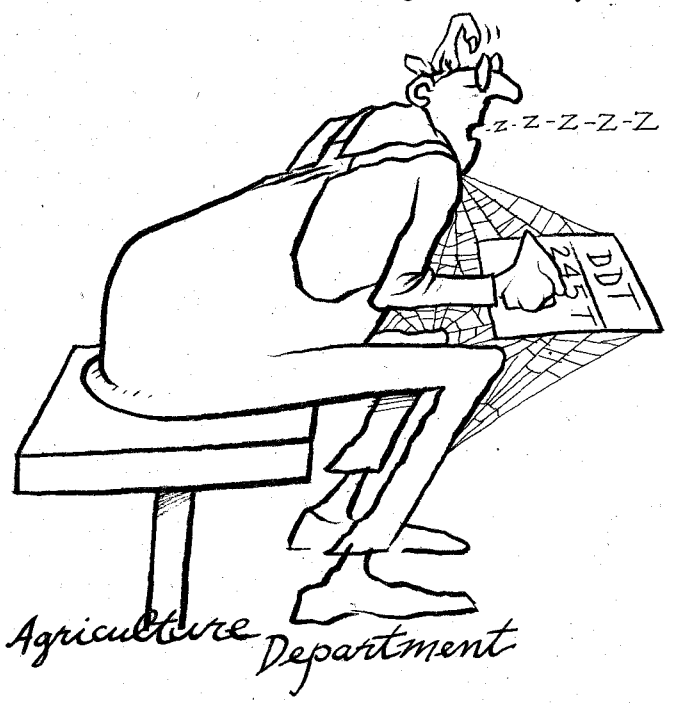
sists on land for one year-and-a-half in dry conditions.

Why doesn't the government suspend all uses of 2,4,5-T? Under the Federal Insecticide, Fungicide and Rodenticide Act, USDA may suspend any pesticide which poses an "imminent hazard" to human health. Spraying 2,4,5-T on food crops doesn't pose an imminent hazard, department officials reason, since six months may pass between the time the crops are grown and the time a person actually eats them. [That view, though not the 2,4,5-T policy has changed slightly. Imminent no longer means "threatening to happen now." USDA linguists now admit that a chemical causing cancer 20 years after its ingestion is an "imminent" hazard.]

Even under the suspensions, and even if the cancellation proceedings are completed, 2,4,5-T will still continue to be sold in hardware stores across the country in spray cans and plastic bags which every lawn



buff can purchase as he pleases. Federal laws don't cover retail dealers who sell, and consumers who buy, contraband pesticides. The government can fine only the firms that ship them interstate – and then a minuscule $1000. The government can also seize pesticide stocks, but it employs exactly 32 inspectors to roam the entire nation. 2,4,5-T producers, furthermore, can continue legally selling existing stock as long as they merely change the package labels to conform with new government restrictions. That doesn't guarantee the consumer will follow the directions. Agriculture officials won't warn the public about the dangers of 2,4,5-T. There are 300 2,4,5-T home products: "Publication of such a long list might be more confusing than helpful," says a department spokesman. [On October 17, the National Association of Broadcasters attacked a Federal Trade Commission plan to warn consumers of the dangers of pesticides. The warning – "this product can be injurious to health; read the entire label carefully and use only as directed" – is too cumbersome, said the NAB. It couldn't be gotten into a five-second commercial.]

Five environmental groups have filed suit in federal court asking for immediate suspension of all uses of 2,4,5-T. USDA science and education assistant director T. C. Byerly, however, insists "there are no reasonable doubts" about the safety of the pesticide to warrant further restrictions.

The White House announced with great fanfare last November that the government would forbid certain uses of DDT. Interior Secretary Walter Hickel later declared that DDT was taboo on Interior controlled lands, and Agriculture chimed in, banning the chemical from its government programs. DDT has symbolized the pesticide pollution problem since Rachel Carson's *Silent Spring* first revealed in 1962 that it kills wildlife and accumulates in almost everything and everybody (DDT residues have been found in Arctic seals). So the government seemed to be taking a significant step toward a healthier country. In fact, the elimination of DDT in government programs accounts for a minor fraction of DDT used. In the private domain, the government only *cancelled* uses of DDT around the home, in waterways, on tobacco and on certain shade trees – mere fragments of the DDT market. USDA sneezed at conservationists' demands to eliminate DDT's major uses in agriculture, until a federal court suit by the Environmental Defense Fund spurred it two months ago to extend cancellations to non-citrus fruit trees, some vegetables and livestock. And these uses may be perfectly legal for at least several more years while manufacturers exhaust administrative and court appeals. Meanwhile, more than 400 million pounds of the poison will have been added anew to the nation. USDA has taken no action whatever to restrict DDT on citrus trees and cotton, and they consume more than 80 percent of all DDT produced. The District Court of Appeals has not yet issued a decision on the Defense Fund's suit but it's likely that the court will simply remand the case to USDA for further study, order a public hearing, or dump the matter in the lap of a lower court. [On October 22, EDF sued California's Montrose Chemical Corp., the largest DDT maker, claiming that massive dumping of the poison into Los Angeles sewers contaminates ocean marine life.]

"We have used DDT safely for 40 years," declares Agriculture's Byerly. An FDA study released in August shows that DDT causes mutations in laboratory rats. Earlier research demonstrated that DDT induces cancer in mice. DDT poisoning in nature is so common that it scarcely surprises anyone anymore: Virginia has banned shellfish and crabs caught on its shores because of DDT contamination. [The state's agriculture department plans to ban all DDT use save for those instances in which there is "no suitable substitute."]

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And Interior Department investigators recently reported, with some bewilderment, that the entire white ibis bird population around Brigham City, Utah, has been suddenly wiped out – probably due to DDT used on nearby mosquito control programs. USDA asserts that such bird mortalities are only "temporary."

USDA scientists are testing a new form of DDT which they claim degrades almost immediately. That would help prevent more poisoning in the future. As the disastrous effects of DDT on the American environment become more evident, however, the government is increasing its shipments of the chemical to underdeveloped countries – mostly in Asia and South American – under the aegis of Agency for International Development and the World Health Organization. Exports topped 100 million pounds in 1968, a 30 percent increase over 1967. AID officials claim that DDT is essential for malaria control. They note that the DDT is usually sprayed inside houses, minimizing its leakage in the environment; they fail to add that such spraying maximizes DDT contamination of the people who live there. Vast quantities of the insecticide are also used on crops. Indiscriminate spraying has reportedly killed some wildlife, and Argentina is concerned over growing DDT accumulations in its prized cattle. But, says one top AID official, "we have seen very few instances where harmful results of DDT are . . . permanent."

While the Agriculture Department battles conservationists who attack its sanctions of 2,4,5-T and DDT, it is quietly preparing a $200 million, 12-year program which will dump 450 million pounds of the insecticide Mirex over cities and fields in nine southeastern states. Government officials bill the program as the last phase of the fire ant eradication program, authorized by Congress in 1957 on a cost-sharing basis with the states. The government started its aerial bombardments last month, over the cries of scientists who fear Mirex will poison millions of acres, possibly killing wildlife.

"The history of the fire ant program makes your hair curl," says Ray Johnson, assistant director of research at the Interior's Bureau of Sport Fisheries and Wildlife. USDA began battling the fire ant (famed for its sting and the dirt mounds it lives in), 13 years ago, using dieldrin and heptachlor. The fire ant population spread, but thousands of animals died. In 1962 the government switched to Mirex, which tests in the Interior's Gulf Breeze, Fla. laboratories showed had no harmful effects on animals. They were wrong. In 1968 millions of blue crabs and shrimp died from Mirex poisoning off the Atlantic coast from North Carolina to Florida, putting plenty of fishermen out of business. So last year, a curious chemist repeated the laboratory experiments watching the test animals for ten days rather than the standard 96 hours. A miniscule one part per billion of Mirex in sea water killed 11 percent of the shrimp tested. In another experiment, 78 percent of mallard ducks tested dropped dead after ten days.

Since 1957 the federal government and states have already spent $70 million trying to kill the fire ant, but it is alive and thriving in the South. The new and supposedly final phase of the program calls for treating 120 million acres, applying three separate treatments six months apart over one area at a time. Old bombers drop the Mirex in the form of a corncob grit bait doused with soybean oil – about 757,000 granules per acre. Convinced that Mirex actually *does* kill shellfish, program directors have agreed to stop spreading the insecticide over estuaries and waterways. "The accuracy of the planes is the best I've ever seen," exclaims Johnson – although he notes that Mirex is still showing up in water. On land, officials aren't worried that animals may inadvertently eat the bait and die of Mirex poisoning, or pass it on to humans. "The ants will remove most of the bait, and haul it into their mounds," says USDA agricultural research director Leo G. K. Iveson. Animals are eating the Mirex somehow: zoologist Denzel Ferguson discovered 150 parts per million in songbirds, as long as one year after an area had been doused with Mirex. (FDA will confiscate meat with more than 7 parts per million). The Agriculture Department is still waiting for results of a field testing program, to see if animals might die from Mirex after all. The studies won't be completed for eight months. Researchers haven't found any Mirex-packed carcasses yet, but as Interior Department investigator Tom Carver points out, "if an animal is killed in nature, its predators dispose of it quickly."

While no one has conclusively proven that Mirex poisons animals in nature, opponents of the program argue that far too much doubt exists to justify continuing what will be the most massive insect eradication campaign in the nation's history. "There are too many things we don't know about Mirex," says Ferguson, "sophisticated biological data like its effect on hormones, enzymes, and metabolism." Studies by the National Cancer Institute found Mirex induces cancer in mice; the HEW Research pesticide commission accordingly urged that the pesticide be used only where advantages to human health clearly outweigh the potential hazards. A scientist-dominated conservation group called CLEAN (Committee for Leaving the Environment of America Natural) and the Environmental Defense Fund are seeking a court injunction to suspend the program pending more research. But Iveson has declared flatly that the project can't be delayed. "Research has not developed data showing that Mirex has caused significant harm to a nontarget environment," Iveson has told CLEAN; he adds "a delay in the program would give advantage to the pest which may never be recaptured."

Prominent entomologists don't think the ant can be eradicated under any conditions. A report by the National Research Council of the National Academy

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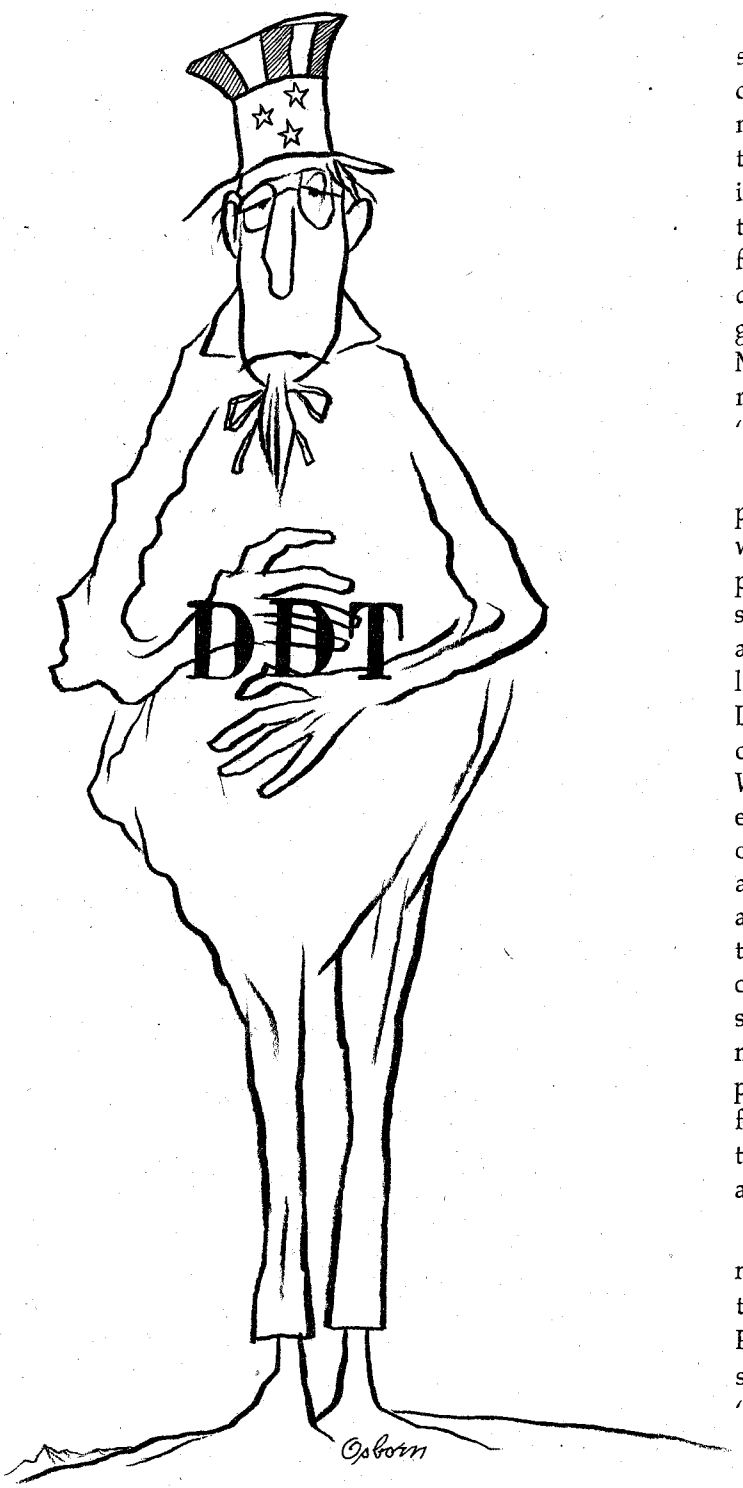
of Sciences – commissioned specially by USDA in 1967 – concluded that "an eradication of the fire ant is not now biologically and technically feasible." That report has never been released.

One colony of fire ants can reproduce and repopulate several square miles in less than three years, according to Harvard entomologist Edward Wilson, who pioneered research on the ant in the 1950s. No aerial bombardment could ever come close to hitting every mound, which ants often hide in thickets. "If one colony is missed, the entire ant population would spring back in a couple of years," says Wilson. Even if it *were* feasible to wipe out the ant, the Academy expressed "grave doubts" whether any attempt to eradicate it would be justified. Most entomologists don't consider the fire ant a pest worth bothering about. "The fire ant doesn't damage crops, unlike other pests," concedes one USDA official. In fact, the ant eats insects that do harm crops, such as the boll weevil. Fire ants don't hurt farm animals, either. The ant is primarily a people pest: it has a strong bite. William Murray, chairman of an interagency committee that reviews federal pesticide programs, insists the ant can make life hellish for Southern people. "I saw for myself," he says. "I kicked off the top of a mound, stuck my hand in and let it get stung ten or twelve times."



Mississippi, North and South Carolina have already started dumping Mirex over their countryside and cities. "Some of us don't think the program is nearly as necessary as the people in the states think it is," one top USDA official concedes now, but the department is determined to forge ahead nonetheless. "The people through elected representatives in Congress have asked for the program," declares Byerly. Murray calls it the department's "mission." Byerly isn't worried the program will be stopped in court. "Any damage which Mirex might do to the environment should be temporary. It should recover within 18 months," he says. "The balance is in favor of Mirex."

The public might get some better protection against pesticides if Congress passes Senator Hart's new bill, which would require immediate suspension of any pesticide whenever there is reasonable doubt about its safety, and which would penalize retail dealers who sell, and homeowners who buy, the banned chemical. But legislation is only a small part of the story. 2,4,5-T, DDT and Mirex are only three of thousands of pesticides which the government is scarcely looking at. What's the use of new laws if the government doesn't even know which pesticides are dangerous? USDA is currently reviewing two old-time insecticides, dieldrin and aldrin, both used widely in government programs as well as in homes across the country despite the fact they have caused massive animal kills. HEW's pesticide commission wanted dieldrin and aldrin severely restricted, but Agriculture won't act hastily. The department isn't even considering 2,4-D, the nation's most popular weedkiller (often mixed with 2,4,5-T or with fertilizer) although National Cancer Institute and FDA tests show that it causes fetal deformities in laboratory animals. All of these chemicals continue in use.

One thing the government *has* done is form a commission to look into ways of disposing pesticide containers once we've already discharged their poisons. For example, 100 million bug bombs sit on the nation's shelves. "How do you get rid of them?" asks Byerly. "The problem hasn't been faced up to very well."

Daniel Zwerdling

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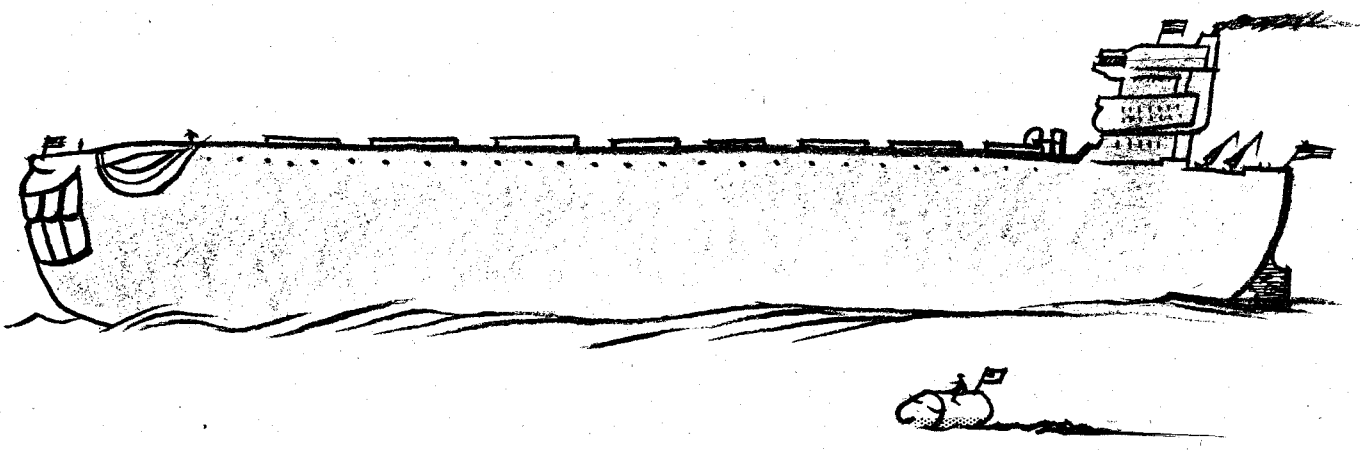

Somebody Fouled Up

The Seas

Twenty-two years ago the Norwegian author-explorer, Thor Hyerdahl, sailed his balsawood Kon Tiki raft halfway across the Pacific Ocean, and he remembers that he and his small crew were "thrilled by the beauty and purity of the ocean." When Hyerdahl eased into the West Indies this summer after crossing the Atlantic in a boat built of papyrus reeds, he was visibly shaken by the flotilla of bottles, tubes and industrial scum that had bobbed endlessly past him. He described sailing through sheets of "pelagic particles," oily droplets, sometimes encrusted with barnacles, which smelled like the unappetizing combination of rotten fish and raw sewage. At first he thought that he was crossing the wake of an oil tanker that had just finished cleaning its tanks, but by the fourth or fifth such passage he began to suspect that some wholesale polluting of the saltwater seascape had been going on since his Kon Tiki voyage.

Hyerdahl's observations were not unique, but his well-advertised adventure focused attention on predictions of doomsayer ecologists that the oceans will be a terminal case by the end of the decade. At the least, says Dr. Max Blumer, senior scientist at the Woods Hole Institution, continued dumping of oil "may do irreversible damage to many marine organisms, to the marine food chain, and . . . may eventually destroy the yield and value of the food which we hope to recover from the sea."

Paradoxically, pollution of the seas by oil has received more international treaty consideration than any other aspect of environmental depredation; the first efforts to curb oil pollution were made in the 1920s, but foundered in the face of a worldwide failure to grasp the scope or potential of the problem. Subsequent efforts produced a number of treaties and conventions, but loopholes and limitations in all of them have permitted indiscriminate dumping. The latest efforts by the international community to legislate against the hazards of seaborne oil traffic footnote this dismal history. Two new conventions, plus amendments to an earlier London Convention of 1954, are in varying degrees a surrender to the muscle of the maritime and oil industries, which have brought us ecological Pearl Harbors from the English Channel to Santa Barbara.

The conventions and amendments, drafted at Brussels last year, are now before the Senate Foreign Relations Committee and could provoke a showdown between the Nixon Administration and Senator Muskie, who fashioned the landmark Water Quality Improvement Act of 1970 and who is eager to strengthen his antipollution credentials for 1972. Muskie held some vastly underpublicized hearings in July on the most controversial of the measures, the Convention on Civil Liability for Oil Pollution Damage. Now he is not only worried that the convention isn't tough enough, but that it will actually abrogate many of the rights of American citizens under his own legislation.

The Convention, which establishes rules governing the liability of the owner of an oil cargo vessel to governments and private parties for damages caused by oil pollution, sets a liability of $134 per ton, up to a ceiling of $14 million. Although this is similar to the $100 per ton, $14 million ceiling set by the Water Quality Improvement Act, there is one critical difference: under the Act, the money is earmarked exclusively for the clean-up costs incurred by the government, with private damage claims being additional. The Convention, on the other hand, provides that the $14 million meet the claims of both government and all private parties – potentially hundreds of claimants.

Robert H. Neuman, assistant legal advisor in the State Department and the chairman of the US delegation to the Brussels conference, told the Muskie Subcommittee on Air and Water Pollution that this is really no difference at all. He pointed out that "without

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the Convention the private claimant's rights to recover against the vessel is limited, by 46 U.S.C. 183, to the salvage value of the vessel after the incident occurs, which of course may well be zero." Washington lawyer Allan Mendelsohn, who negotiated maritime treaties for the State Department until 1967, replied that this 1851 law "is so archaic that its limiting effect would probably be voided by any court faced with the problem." In any case, Congress could always take the radical step of amending 46 U.S.C. 183 to bring it into the twentieth century, thus saving American citizens a lot of money.

Measured against the immediate and future threat of oil to the marine environment, the liability provisions of the proposed Convention are a scandalous concession to the marine and oil industries. Neuman testified that "our past experience indicates that they [the liability limits] are ample to cover the likely incidents of oil pollution," and he is correct, except that "past experience" and "likely incidents" are inapplicable to the new generation of supertankers now being built: the gigantic Universe Ireland, with a capacity of 312,000 deadweight tons, is only an appetizer to the million-ton tankers the Japanese claim they will soon be building. A disaster for a ship of that size would make the Torrey Canyon incident look like drippings from a leaky oil can.

Yet the $134 per ton and $14 million limit would cover liability only up to 100,000 tons; tankers could carry hundreds of thousands of tons more, with all the accompanying savings, and still not be liable for a penny more.

The traditional reason for the low liability provisions (the 1957 Brussels Convention set a $207 per ton limit, with no ceiling – thus the 1970 proposal actually is a step backward) has been the confessed incapacity of the marine insurers in London to underwrite a high limit policy. But their confessions have been unduly self-serving; in an August 20, 1969 letter to Senator Jennings Randolph, chairman of the Public Works Committee, the 14 leading insurers noted that "insurance above the maximum of $10 million is, we are satisfied, unobtainable." Unaccountably, they found another $4 million within two months.

It is quite possible that $14 million *does* represent the limits of the London insurers, but this is no consolation for the coastal property owner who wakes up one morning to a blackened beach. If the tanker owners and the oil industry want to reap the savings offered by their new maxi-boats, it is not unreasonable to require them to find the insurance capacity to cover them. And the oil industry, which already enjoys the government-bestowed benefits of protective import quotas, guaranteed high prices for domestic oil, depletion allowances, and tax writeoffs, should bear a special responsibility.

By the same token, these privileged parties should be responsible for absolute liability – the exceptions offered by the Convention for acts of God, war, or third parties place the risks on unfortunate bystanders, not on the individual or enterprise that is in the position to administer, distribute and absorb such risks. "As between the tanker owner carrying the oil and the innocent victim who may not even use oil on his coastal property," says Allan Mendelsohn, "fundamental principles of equity would demand that the victim be compensated, no matter what may have been the cause of the spill." Absolute liability is the rule in international air transportation, and it might be argued that the passenger here at least assumes a certain risk that the victim of an oil spill never knew existed.

The Convention is sadly deficient in other areas as well. First, it is limited to vessels "actually carrying oil in bulk as cargo," which means tankers. Other vessels, which nonchalantly pollute with their cleaning and deballasting operations, receive the legislative green light to continue. And second, the Convention covers only pollution by oil. [President Nixon said, on October 7, that he intends to send the next Congress a bill regulating all ocean dumping and banning the dumping of toxic wastes. Fines would run to $50,000 per violation. Antidumping laws are worthless if not enforced. Rep. Henry Reuss (D, Wisc.) last week took the Administration to task for failing to prosecute 40 inland water mercury polluters.]

The Convention may not, as one ecologist quipped, deserve a quick burial at sea, but at best it should receive delayed consideration, especially in light of the fact that a new treaty is being drafted that will probably incorporate virtually absolute liability and an overall ceiling of $30 million. No doubt it will also include the progressive aspects of the proposed Convention: a strict system of financial responsibility, an extension of national jurisdiction to the high seas in cases of oil pollution damages, and a prohibition on ships of nonsignatory nations from trading in the ports of signatory nations. The Nixon Administration contends that it needs ratification of the first Convention to get the second, better one, but its logic on this point is not convincing.

The other Convention prepared at Brussels, on Intervention on the High Seas in Cases of Oil Pollution Casualties, is a rather innocuous agreement that permits signatory nations to "take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution . . ." This can be considered a codification of common law; England set the precedent by bombing the Torrey Canyon (albeit 10 days too late for the intended purpose of burning all the oil), although the wounded tanker was out of its territorial jurisdiction.

The principal amendment that has been proposed to

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the 1954 London Convention would slap a total prohibition on oil discharge on the high seas subject to certain specified – and suspiciously arbitrary – exceptions. A tanker, for instanse, that is proceeding enroute would have the license to release up to 60 litres of oily mixture per mile. The amount so discharged must be limited to 1/15,000 of the total cargo-carrying capacity and must not take place within 50 miles of land.

If the intent here is, as it should be, to cut down or eliminate the estimated three million tons of oil annually discharged by tankers into ocean waters, then legislating the right to discharge is not the way to do it. As a practical matter, tankers must discharge someplace, so it is about time that governments or oil companies were required to build on-shore facilities for that purpose. In any case, the Nixon Administration's claim that the 60 litres per mile introduces "a practical limit below which pollution has been shown in practical experiments to be neglibile" is astounding in light of statements by Dr. Blumer and other scientists that the federal government has not given them sufficient research funds to decide what the limits should be.

Another exception to the prohibition allows tankers to discharge ballast from a freshly cleaned cargo tank as long as the effluent leaves no visible traces of oil on the surface of the water. This is no innocent exception because, says Dr. Blumer, many of the toxic components of oil are invisible. The application of detergents to a spill makes all the oil invisible without necessarily affecting its toxicity.

The measures coming out of Brussels are, in short, too timid.

Stephen Solomon

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Somebody Fouled Up

Water and Air

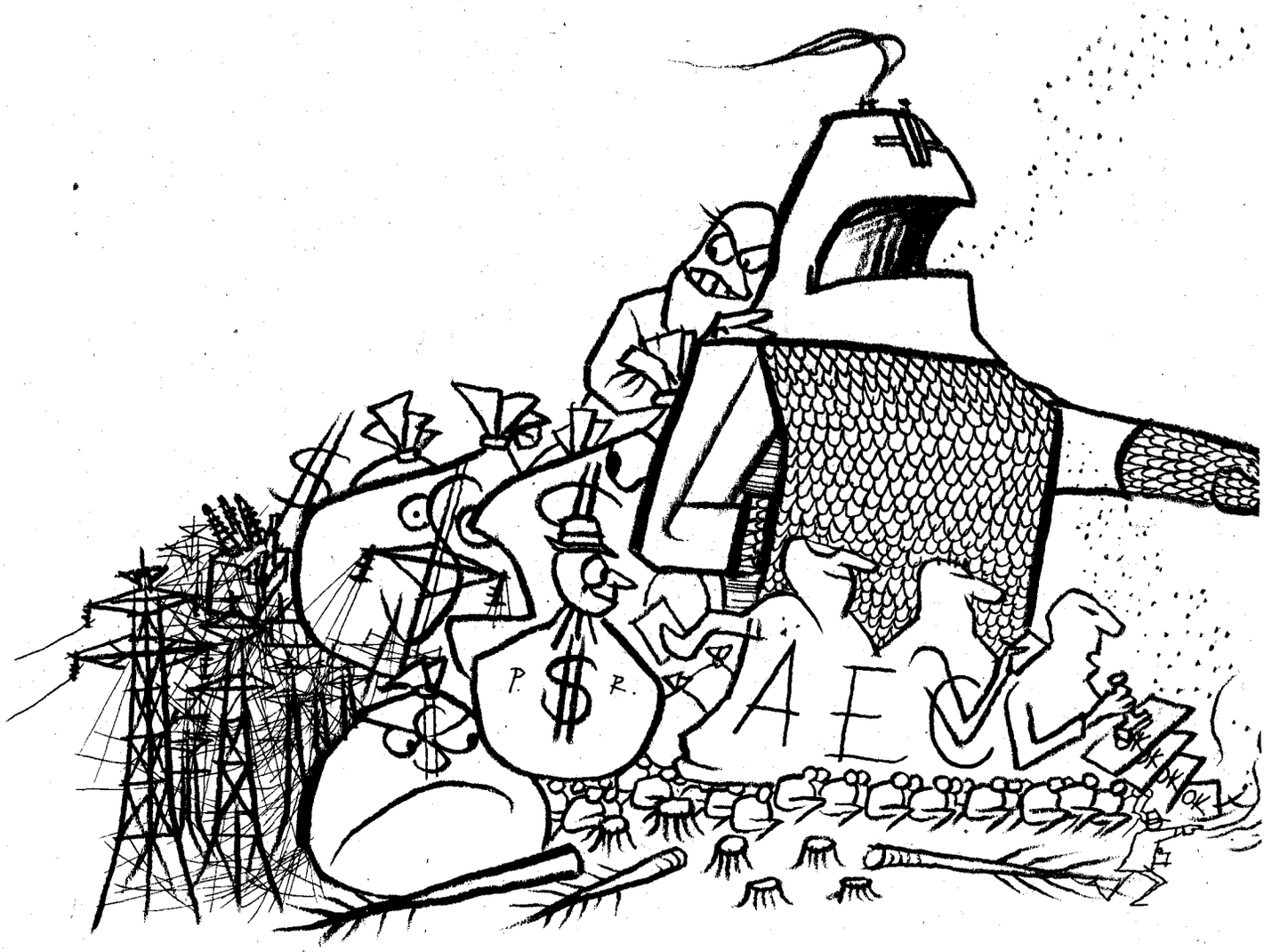
Atomic energy, like the internal combustion engine, non-deteriorating aluminum cans, jet-powered aircraft and other 20th century technological successes, has fallen into deep disfavor among environmentalists. Nuclear power – once hailed as unlimited, clean and cheap – has proven to be none of these. Several of the 16 nuclear plants that have operated are now out of service, the cleanliness of the plants has been discredited as the impact of radioactive effluents and thermal pollution is assessed, and the costs of building and operating A-plants have always exceeded estimates.

Moreover the Atomic Energy Commission, assigned the incompatible responsibilities of both promoting and regulating the nuclear power industry, is under constant attack from congressmen, conservationists, various state governments, and citizen groups, all concerned about what is considered the AEC's unchecked authority and atomic energy's vast potential for destroying the environment.

The AEC's responsibilities and the true effectiveness and environmental impact of nuclear power are the larger issues in the once local and now nationally significant application of the Long Island Lighting Company (LILCO) to build an 820-megawatt, $271 million atomic energy plant at Shoreham, NY, on the southern shoreline of Long Island Sound. The LILCO application, originally thought to be routine, with routine localized opposition and equally routine approval by an ever-sympathetic AEC, has become a test case.

After three pre-hearing conferences and months of delay on many procedural and some substantive questions, a three-member AEC Safety and Licensing Board team convened its hearing on the proposed facility, Sept. 21 near Shoreham. After one week the hearing was recessed for a month; more interruptions are also expected before the hearing can be completed.

In support of licensing will be the lighting company, with a large staff of scientists, engineers and lawyers; a group called Suffolk Scientists for a Cleaner Environment, composed almost entirely of AEC and nuclear industry employees associated with Brookhaven National Laboratory, which is very near the proposed plant site; and those AEC officials who have



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approved of the plant during the several intermediate steps leading up to the hearing.

Opposed to licensing are the Lloyd Harbor Study Group, a citizens' organization which leads the opposition; James Turner, of Ralph Nader's Center for the Study of Responsive Law, who is concerned about radioactivity from the plant entering the human food chain; Nobel laureate James Watson; and AEC scientists Arthur R. Tamplin and John W. Gofman. Gofman and Tamplin have elicited the wrath of their bosses and the worship of environmentalists with their highly controversial proposal that permissible levels of radiation from A-plants be reduced to – at the very most – 10 percent of present levels.

The plant's proponents point out that nuclear power does not create sulfur dioxide and other air pollutants associated with conventional (or fossil fuel) generating plants that burn coal, oil or gas. They argue that atomic energy will eventually mean cheaper electricity and that because supplies of the fossil fuels are limited atomic energy is essential in meeting sharply rising power demands in the New York metropolitan area. (Those favoring the plant avoid mention of the fact that Consolidated Edison's power shortage in New York this summer was caused, in part, by the fact that Con Ed's only nuclear plant was out of service from March 20 through the entire peak demand period.)

As expected, those favoring the Shoreham facility argue that the radioactivity discharged into the air and into Long Island Sound and the heat discharged into the Sound would all remain below dangerous levels.

The plant's opponents contend that the radioactivity could be quite harmful, and that the thermal pollution, which is much greater than that from conventional plants, would create an imbalance in the Sound's ecology. They note that the technology exists to make significant reductions in air pollution from fossil fuel plants. They point also to the failure of the nation's utilities to properly exploit clean hydroelectric power and natural gas which is cleaner than coal or oil.

During the first week of the hearing they directed their attention to what they called the lack of quality control in the nuclear industry and have sought to demonstrate that the discipline and care involved in the construction of the Shoreham reactor falls far short of the discipline and care in the aerospace industry. As Irving Like, the Study Group's attorney and a veteran of many conservation battles, said, "We are

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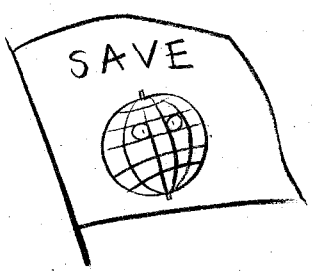
putting the technology on trial."

Finally, the plant's opponents have specific objections to the Shoreham site since the plant would be approximately one mile from a Nike missile base and four-and-a-half miles from the end of a runway used to test new and experimental Navy aircraft.

Some recent developments in the atomic energy debate are getting their first test at the Shoreham hearing. Of special concern to Mr. and Mrs. William Carl, who head the Study Group, is the National Environmental Policy Act of 1969, which charged all federal agencies, including the AEC, with broad responsibilities for making environmental safety a factor in all decisions within their jurisdictions. A current review of radiation standards ordered by former HEW Secretary Robert Finch and a White House decision to diminish the AEC's regulatory authority are factors in the hearing.

Mr. Like and the Carls feel the Board is paying lip service to the intent of the Environmental Policy Act. They are especially upset that the Board is adhering to a traditional AEC policy by refusing to consider thermal pollution at the hearing. [A federal court suit



filed in Michigan could result in forcing the AEC to consider thermal pollution and other environmental factors in licensing more than 90 nuclear power plants planned or being built by the electric power industry.]

Long Island Congressman Lester L. Wolff, agreeing with the Study Group, said at the hearing's opening session: "AEC compliance with the National Environmental Policy Act has been incomplete. . . . To continue as you have been going would be a direct affront to the Congress which passed this law and the President who signed it. . . . The AEC is not a law unto itself."

Two lawsuits are being filed in federal courts challenging AEC implementation of the Environmental Policy Act and there are reports that the Environmental Quality Council is probing AEC inaction in this area. For Irving Like and the Study Group this affords them an excellent basis for the probable appeal of the Board's expected approval of the plant.

But Like and the Carls find themselves at a distinct disadvantage fighting the massive atomic energy establishment, which includes:

► A self-serving network of cooperation among the AEC, the major commercial interests in the atomic energy business, large financial institutions, fuel suppliers, the Joint Congressional Committee on Atomic Energy, and the principal utilities. These interlocking relationships were detailed in a 400-page report on "Competition in the Nuclear Power Supply Industry" prepared for the AEC and Department of Justice in 1968 by Arthur D. Little, Inc.

► A concerted effort by atomic energy boosters to silence scientific opposition to nuclear power. Scientists who challenge the establishment find jobs scarce, or else, like Gofman and Tamplin, face a cutback in federal funds. Rep. Chet Holifield, Chairman of the Joint Committee, said of dissenters, "They found out a long time ago they'd better work with us."

► An unabashed attempt by a former AEC commissioner to blackmail several universities where scientists had opposed A-plants by threatening the cutoff of federal assistance. He wrote to those universities, "The acceptance of public funds by an educational institution does entail responsibilities to the US government."

► The fact that the AEC and utilities have large funds to champion atomic energy, while citizen opponents have pennies. The atomic energy industry, unable to secure or pay for insurance for A-plants, enjoys a $500 million insurance policy at taxpayer expense. Moreover, Mrs. Carl says the AEC has prepared at public expense a 3000-page manual available to nuclear energy proponents who face hostile audiences concerned about the environment.

► The 26-member Safety and Licensing Board, which is composed largely of AEC personnel, industry representatives and physicists, publicly committed to the expansion of nuclear power. The Shoreham Board includes an employee of Union Carbide, which has a great financial stake in nuclear power, and a scientist from Los Alamos Scientific Laboratory.

► Evidence uncovered by Rep. Wolff of a direct association between the Brookhaven Laboratory and the Atomic Industrial Forum, an industry group representing atomic energy interests, to publicize arguments against Gofman and Tamplin's research.

► A Suffolk Scientists' group at the Brookhaven Laboratory created to provide a counterweight to the intervention of the Lloyd Harbor Study Group.

► Failure of the AEC, the Department of Defense and LILCO to acknowledge the close proximity of the Nike site until pushed by Rep. Wolff, and by Sen. Mike Gravel of Alaska, who specializes in AEC affairs.

Given the strength of the forces favoring atomic energy, the Study Group and its allies are decidedly the underdogs in the Shoreham proceedings. But those opposed to the plant believe their efforts will prove worthwhile if adequate attention is focused on the environmental impact of atomic energy and on the way in which cooperation within atomic energy circles can work against the public interest.

Howard G. Paster

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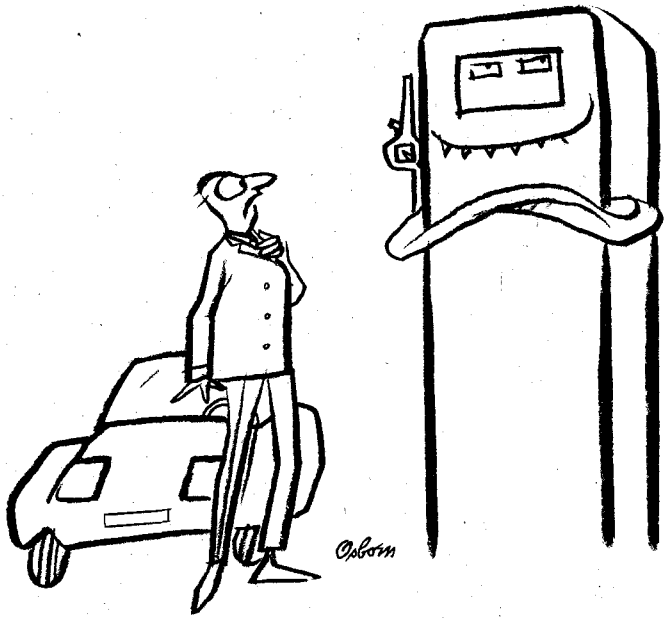
Somebody Fouled Up

The Consumer



Consumer interest in pollution is compelling industries accused of polluting to seek remedies without sacrificing their investments. The president of Coca-Cola, J. Paul Austin, promises a new ad campaign for returnable bottles with the slogan, "wouldn't you rather borrow our bottle than buy it?" He says his corporation has invested in water purification programs and in an unusual anti-pollution device: the glass-grinding machine. The experimental grinders were installed in an Atlanta supermarket, where one-way bottles could be dumped. Customers presumably brought back empties for the pleasure of having them ground; there was no cash compensation. After grinding, what was left? Sand: "not of playground quality," said Austin, but suitable for industrial use in building materials.

Glass and can manufacturers don't like to talk about the difficulty of hauling and storing billions of empty containers every month, but they donate several millions of dollars a year to "Keep America Beautiful." Austin says the can industry has underwritten "at considerable expense" a vast retooling of metal dies. Soon every container will declare in embossed print: "Please don't litter – dispose of properly." It is part of a plan to shift responsibility to consumers.

Corporation executives who have treated consumers as passive subjects may take a lesson from the Bowie City Council in Maryland. Under pressure from voters, the council decided in July to ban all one-way drink containers. Beginning next April, supermarkets in Bowie will be liable to $100-a-day fines if they sell drinks in anything but returnable bottles. This is not an anti-litter campaign; it's a first attempt to block the yearly flow of 36 billion one-way cans and bottles from factory to junk pile. Washington State voters will have a chance in November to vote a five-cent minimum deposit on all soft drink bottles sold there.

The Reynolds Metals Co. has stepped up its program to collect old cans and use them for scrap. The company pays 10 cents a pound or a half cent a can for aluminum; steel cans aren't acceptable. Collecting, shredding, and recasting aluminum is expensive and requires thorough reorganization of aluminum production to be effective. Reynolds reports 16 million cans collected during the first half of 1970 – on the surface, a good job. But at that rate – 32 million cans a year – 24 *billion* are left uncollected, many of them aluminum.

The packaging industry is embarrassed by polyvinyl chloride containers. When burned, this plastic produces chlorine gas, which can corrode incinerators, destroy air-cleaning filters, and harm nearby trees. Several ecology groups have complained to plastic companies and have attempted a boycott. But there's a catch – it's almost impossible to describe PVC, and even more difficult to tell the difference between it and another, harmless plastic. They are both clear and glass-like, used chiefly to store liquid shampoos containing alcohol. To avoid confusion, buy glass bottles.

Soap chemistry is even more controversial than plastics. Ecologists say that detergents dump 50 to 70 percent of the phosphate that now flows in metropolitan sewers which empty eventually into lakes and rivers. Algae growths, which feed on phosphate and other chemicals, have become a serious pollution menace, particularly in the Great Lakes. Some scientists blame the death of Lake Erie on detergent and agricultural phosphates. The soap industry has responded with heavy lobbying and massive promotion of an opposing scientific claim that carbon – not phosphate – is the key factor. Ignoring pressures, Canada has banned all detergents with more than 20 percent phosphate.

Industry was stung by that and is preparing for battle in the US: "We've tried hundreds, literally hundreds of substitutes for phosphate." And though they don't believe phosphate is the culprit, they are ready to drop it. Lever Brothers, Procter & Gamble, and others who have found new hope in a nitrate compound called nitrilo triacetic acid (NTA). They are slowly replacing phosphate in many detergents with the new chemical, which supposedly doesn't feed algae but didn't retard algae growth when it was tried in Sweden. NTA soaks up more oxygen than phosphate. Harvard scientist Samuel Epstein has suggested that NTA could form a link in a chemical reaction that produces cancer. No one knows how it will affect the lakes when used in large quantities. The big companies face a more immediate problem in trying to find enough NTA to fill the demand. At the same time, they are reluctant to abandon valuable phosphate mines that produce 2.6 billion pounds a year. Sears Roebuck is now marketing a no-phosphate, no NTA, detergent said to be

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unaffected by hard water. The formula is a secret.

Pollution fighters ask consumers to use a mixture of soap and washing soda instead of detergent. It doesn't clean as well, however, and detergent companies warn that reducing the amount of phosphate will "result in significantly poorer cleaning levels, and a cutback in the nation's health, sanitation, and cleanliness standards." Nevertheless, ecologists believe clean clothes are less important than clean water.

The oil industry is keeping up with environmental reform by introducing new lead-free and low-lead gasolines. Shell, Esso, and others have launched expensive ad campaigns promising clean-air fuels. Shell has announced a low-octane, completely leadless gas, while Esso has chosen to bring out a high-octane gas containing 1/2 cc of lead per gallon. Esso claims the lead is needed to lubricate exhaust valves on cars not designed specifically for lead-free gas. Amoco, on the other hand, has been selling a lead-free premium for years and says it has heard no complaints. The Ethyl Corporation, which manufactures petroleum additives, says Amoco has heard no complaints because other companies are using lead. Every car in the country has probably burned a tankful of leaded gas – enough to put lead in the system. Ethyl is financing an ad campaign of its own, claiming that lead-free gasoline gives off more smog than normal gas. Behind the high-pressure publicity, only one truth is certain: all the major oil companies are committed to producing lead-free gasolines in every octane grade by the mid seventies. In the meantime everything is being tried including deceptive advertising. Chevron is pushing a revolutionary new, non-polluting additive called F310, "the most long-awaited gasoline development in history." The Federal Trade Commission, in a complaint, said F310 isn't new and doesn't work.

By now the proscribed list of pesticides is as long as your arm. One consumer-pollution group has a simple system for remembering the worst chemicals – their initials spell "DEATH": Dieldrin, Endrin, Aldrin, Toxaphene, and Heptachlor. They place six others in the same category: DDT, Chlordane, Lindane, Mercury, Lead, and Arsenic. Less poisonous, but in its way more deceptive, is the Shell "no-pest strip." The Department of Agriculture has issued two separate warnings for this insecticide. It should not be used in rooms where infants, aged or ill people are confined, and it should not be hung in restaurants or kitchens, where it might affect food. Agriculture has ordered Shell to print the food warning on its product from now on.

All pesticides are poisons, and the consumer usually must decide whether he prefers bugs or chemicals. A "Do-It-Yourself Ecology" pamphlet distributed by Environmental Action of Washington DC hints cryptically at an alternative solution. A brief note states that "some birds, such as purple martins, eat up to 1000 mosquitoes a day." There is great potential for the gecko, too. He's a small, nocturnal lizard that thrives on cockroaches and other bugs: set him loose in the kitchen and you need never see him again. Lady bugs and praying mantises help kill garden pests, but no one has yet tried to market them on a large scale.

The consumer's traditional lack of concern for anything but his immediate ease is a great comfort to harassed industry. Many ecologists are convinced it is more effective to attack pollution at its industrial source than to organize boycotts; thus the court suits against oil companies for water pollution, against DDT users for destruction of wildlife, and against numerous factories for air pollution. Michigan has passed a law that widens the possibilities for civil suits against polluters. State residents no longer have to prove personal damage; they need only establish the polluter. A similar federal law – guaranteeing the right to clean air and water – is now in congressional committees.

Based in Stony Brook, New York, the Environmental Defense Fund has been waging a legal attack on pollution for several years. The organization, which calls itself "one anti-pollution device that works," collects dues from a national membership to finance a "limited number of carefully chosen" legal cases. Says the promotional pamphlet, "EDF will consider any kind of environmental case, and will tackle any offender – including the federal government." In the future, EDF plans an attack on supersonic transport (SST), cases against oil companies for lead pollution of the atmosphere, and several wildlife preservation campaigns.

With all these new outlets, a well-oriented pollution fighter should never slow down. When he is not building a case against the nearest industrial polluter, he can devote spare moments to selling aluminum cans, grinding Coke bottles, boiling his clothes, and breeding purple martins.

Eliot Marshall

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Stanley Kauffmann on films

First Love

(UMC)

Trash

(Cinema V)

The Great White Hope

(20th Century-Fox)

Two new films work opposite sides of Artifice Street – the gimmick of Beauty and the gimmick of Ugliness.

First Love was made for those who believe that the complexion of love is identical with the camera-work in *Elvira Madigan*. Maximilian Schell, the actor, is co-author of this adaptation of Turgenev's short novel, plays the father, and directed. He has changed a work about the discovery of unanswerable questions into a trick plot supporting an album of pretty pictures.

I would have thought that, when setting out to do a film about a sixteen-year-old boy's first summer of love, a director would draw up a short list of imperatives:

No ground-level shots with flowers and grass large in the foreground.
No shots up through trees at the sky – especially no travelling shots.
No shots of birds skimming through the air.

Instead of avoiding these clichés, Schell has hurried to them like a mooncalf to a rather tired udder.

Some of the pictures, as such, are lovely indeed, because Schell was lucky enough to get Bergman's great cinematographer, Sven Nykvist. The interiors, particularly: some of them have Vermeer light. But the immediacy of the boy's ache – first of love itself and then because of the barbarities and warfares of love – is swaddled in the *wunderschön*. (So are some symbolic inserts of war.)

The picture is further handicapped by a rotten soundtrack. Dialogue of many films is post-recorded, but this track sounds as if it were done at the bottom of a well. All the sound, indoors or out, has the same shape and the same planes, and makes us conscious of two separate things going on at once – what we see and what we hear.

And why were there a radio and electric lights in an early 19th-century film? Why – in a story set in Czarist Russia – does the boy wander through a Budapest café with contemporary people clearly visible inside and out?

The best element in the picture is the face of Dominique Sanda, the heroine, which is a credible emblem of romance. The boy, John Moulder Brown, is moderately effective as her worshipper. Schell has a good profile as his father. John Osborne – the playwright not the Nixon watcher – contributes a pleasant moment as a poet gamboling among sheep.

Trash, on the other hand, tries to batter us with ugliness – close-ups of pimply behinds and dangling penises and buck teeth and East Village squalor. The film was directed, photographed, and written by Paul Morrissey, a member of the Andy Warhol stable. (Warhol produced the film.) "Written" is not quite the word: the dialogue was clearly improvised on a sketchy story line.

The title is meant to reverberate. A few of the characters live by collecting and selling trash, but any adolescent (*preferably* an adolescent) can see the ironic larger meaning. Besides, the title has a parodic echo of *M*A*S*H*.

Trash deals with a young junkie and his adventures with various girls. He is looking for money for junk, they are looking for sex; but he is impotent. The girl he lives with is played by a transvestite homosexual called Holly Woodlawn. (The actors' names in Warholland are its most amusing feature.) Woodlawn has some ability to vent bitchiness – more exhibitionism than acting, still occasionally it is lively.

There is a lot of the usual Warhol stuff: hand-held camera and hand-held organs, frank language and franker formlessness, lots of simulated sex, an attempted putdown of Hollywood slickness by using poor lighting and poor recording and clumsy editing and a cast of either non-actors or freaks. A cheery go-go girl has nice breasts; the junkie's junkie behavior is credible – but possibly he is actually on junk in the picture. (The real star is the needle.) In short, another Warhol-type film. But there is one difference. Warhol at least has the courage of his lack of convictions; he persists in his formlessness and tedium. His films don't end, they stop. Morrissey concludes *Trash* with a neat welfare-worker sketch right out of *Second City*.

What is particularly revolting about this film is not the language or the life-style or the poor-to-nil technique. Naturalism, now widely rumored to be dead, was (is?) an honorable mode in art, another attempt to reach universality by a different method of selectivity. *Trash* – and the Warhol school, generally – depends on our conditioning by naturalism, so that we will accept mere data as result: buttocks and profanity and dirt as *prima facie* evidence of ruthless honesty and art. I don't believe that Warhol and Morrissey believe in or care about the point of naturalism: I think they get a kick out of the suckers who drool in best Pavlovian style when the naturalistic bell is rung: the ones who believe that we are automatically being told something about our society and its spiritual turmoil by candor and grubbiness.

Added to the opportunistic brew is what Morrissey has learned from Warhol about the mystique of film itself: by photographing something – anything – you give it at least momentary grandeur. This is true, just as the affects of naturalism are true: and the Warhol-Morrissey school uses both truths equally cynically.

Trash is disgusting, not for what is on the screen but for what is in the minds of the people who made it.

A new instance of a phenomenon I noted recently. A film of a prize-winning, long-run play comes along, and at least some film critics point out – rightly, in my view – that the play was stupidly overrated. Howard Sackler's *The Great White Hope* started with a good and relevant idea: Jack Johnson, the black heavyweight champion from 1908 to 1915 and how he was harassed for daring to be so good though black. Some of the play is flashily effective, but it never achieves anything like intended epic size, let alone tragic dimension, because all the white men – except Jack's Jewish manager! – are yapping beasts, and all the black people, save one jealous girl-friend, have fourteen-carat hearts. Further, Sackler afflicted his play with a lot of arty apparatus, including a Jeremian one-man chorus.

On the screen the play is, in one way,

(*Continued on page 45*)

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Robin Fox: In Defense of Inequality

The Social Contract by Robert Ardrey

(Atheneum; $10.00)

African Genesis (1961), *The Territorial Imperative* (1966) and now *The Social Contract* represent over fifteen years of Ardrey's "personal enquiry" into the origins of the human propensity for violence, with its concomitants of competition, territorialism and dominance. The three books should be looked at as a whole; the latest is really an expanded treatment of all these themes in a new framework. It is a remarkable culmination of a remarkable series. What a sad commentary on the state of the sciences of social behavior – that Ardrey, an amateur, a playwright, totally unequipped by any academic standards, had to do the job. Overdone dramatics and purple prose wash liberally over every page, but the academic establishment will have to take him seriously anyway; his homework is sound.

What he has done in *The Social Contract* is to set his previous concerns in a *political* framework of analysis. In effect, and without acknowledgement, he has gone back to Aristotle's dictum that man is, *by nature*, a political animal. The game he plays is genetic politics, and Ardrey's concern is with the rules of this game. The essence of the game is inequality, and in his first sentence he challenges the new enemy, egalitarianism: "A society is a group of unequal beings organized to meet common needs." Equality of opportunity to compete is the only possible "natural" equality; the Social Contract necessarily involves a balance between order and disorder, with disorder, despite its constantly bad press, providing the impetus for "natural selection." The idea that we have become emancipated from the state of nature is self-deception, thus Ardrey's social contract differs from its Rousseauian counterpart in denying natural equality, and insisting that failure to recognize inequality will bring its own gloomy reward: extinction.

He conducts an onslaught against the myth-makers: rationalists, environmentalists, materialists, behaviorists – all those who support the doctrine of the ultimate perfectibility of man through training. The social sciences – cultural anthropology, behaviorist psychology and environmentalist sociology – are "like three drunken friends leaning against a lamppost in the enchantment of euphoria, all convinced that they are holding up the eternal light when in truth they hold up nothing but each other." Beautiful.

The real eternal light is Ardrey's doctrine that we act primarily not in terms of our present circumstances but because of our evolutionary past. Like it or not, the argument is spelled out here with force, documentation and a kind of hypnotic consistency. All the bases of natural selection as a process; the necessity for diversity and inequality; the unpredictable quality of *alpha*-ness; the variable roles of the young, of education; the variable effects of participation and of stress; the results of violence and the crucial role of hunting: all are dealt with at length. Disorder must not surrender to order – this was Rousseau's mistake. There must be diversity: inequality and competition are as much part of the contract as justice and a trouble-free sleep. All this is there in nature as *we* are there in nature, and however we may tamper with it, in the end we are as subject to natural law as any other species in the charnel-house of history. He does get a bit confused between genetic equality (impossible) and political equality (difficult); but when the former is demonstrated to be impossible the latter becomes more worth pursuing.

He has still to recognize fully one crucial distinction: that between territory and property. Animals defend territories, humans exchange property. Animals never exchange territories, while exchangeability is the essence of human property; the ability to exchange

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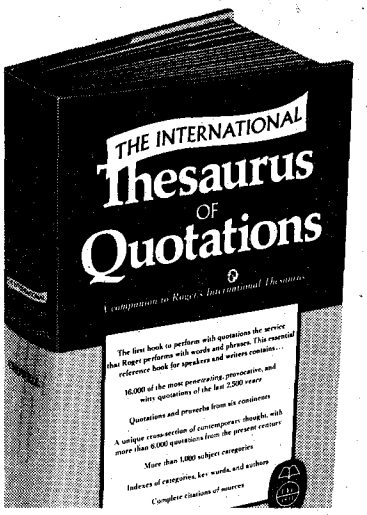

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is perhaps the essence of humanity. Human territoriality, on the other hand, is undoubtedly the phylogenetic cousin of its animal counterpart. On violence Ardrey seems to have the last word. The intellectual problem we have had with violence arises from a mistaken environmentalist notion that we can get rid of it as the marxists thought we could get rid of social classes and the state: by abolition. The Middle Ages knew better and so should we. We cannot get rid of violence. any more than we can get rid of sex, but we can control both; it is control we should aim for rather than pie-in-the-sky.

In *African Genesis* Ardrey felt it necessary to have a special explanation for *human* violence, lodged in Man's origin as a hunter and killer. In this latest book he documents this thesis convincingly, but also sees that violence is 'natural' in the animal world. We don't really need a special theory of human violence. (We don't need a theory of human aggression at all; it is no different, as Ardrey sees, from the aggression of any other species.) There is a lot of nonsense talked about the "ritualization" of aggression in the animal world and our seeming ineptness in this direction. But "ritualization" only works once it is clear that violence won't, or when violence has already worked anyway. The young baboon would cheerfully dispatch his elder *if he could*, while the elder *does* dispose of his young rival given the chance. It is really rather difficult for an animal to kill another of its kind, however much it may want to. *Arm* the young baboon and he would murder his tormentor; give baboon troops grenades and you would soon have no baboons in Africa. We are the ape with hand-grenades. What is hopeful about us is that we do so little damage considering our capacity for it.

There are some things, like race and the evolution of the brain, that one wishes Ardrey had left alone. These are not areas where brilliant naivete pays off. But for the record: This is an incredible book. Ardrey can no longer be dismissed with a sneer as a clever journalist with one good idea and an eye for a receptive public. He never should have been in the first place, and this display of scholarship, powerful argument, and sheer *chutzpah* in the face of academic hostility, requires our respect and our severest and most responsible criticism. In his honesty he would not ask for anything less.

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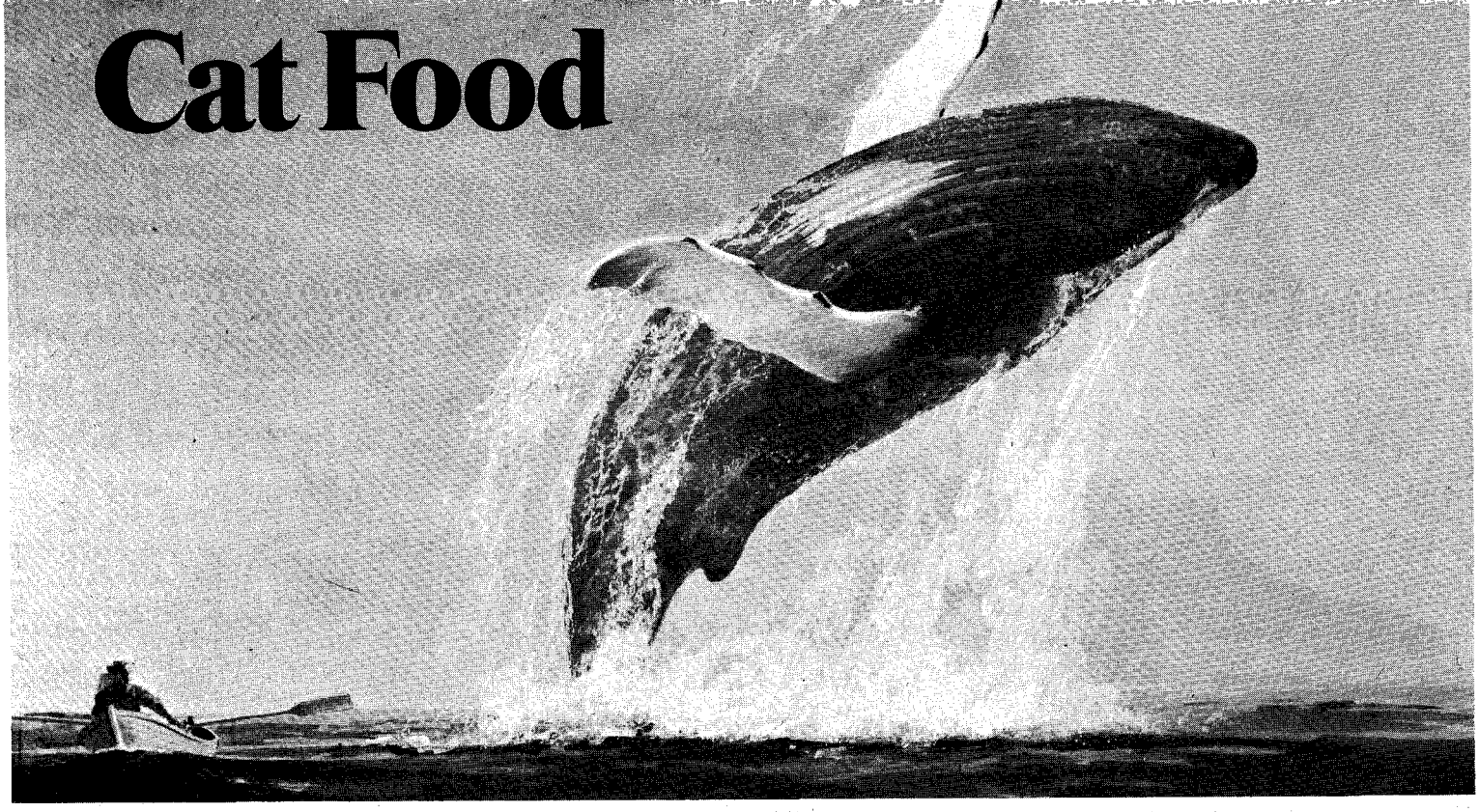

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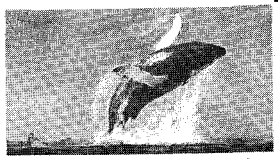
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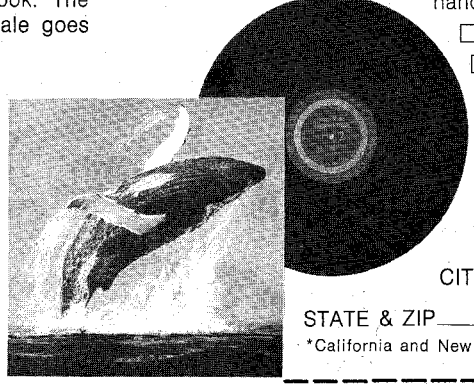

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THE CLASSIC OUTLOOK

James Gilbert: Pessimistic Pundit

Truth and Power: Essays of a Decade, 1960-1970 by Hans J. Morgenthau

(Praeger; $12.50)

The most depressing sentence in Hans Morgenthau's essay collection is likely also to be the most memorable and widely quoted. Coming at the end of a short epilogue, it is actually a tentative elegy for American civilization: "The dissenters will people our prisons, our graveyards, our Bohemias or – as utter cynics – our positions of power." These elegaic thoughts came to Morgenthau when dissent in this country began to be met with armed force crouching behind traditional homilies. Now he believes that the choices have run out, and the crisis in the United States is not capable of resolution within the current system of power relations.

Aside from this generally depressing view of the present, Morgenthau gives us the evolution of his thoughts on a number of issues such as Communism, Vietnam, the personalities of important statesmen, science-and-politics, and Presidential elections. He writes about politics with an unusual grace, sustained by an obvious love of the questions that politicians are called upon to answer. He is not shy with advice nor embarrassed with decision-making. Yet there is an obvious gap where there should be reasons for his present pessimism. Nothing in his essays on foreign policy or the personalities of those who make important decisions sustains his discouragement. There is no gradual unfolding of insights into the structural weaknesses of American society, or flaws in its foreign-policy decision-making processes. Repeatedly one discovers blunders, blindness, deception, vagueness, false choices and incompetence, but never an answer to the nagging question: Why?

There are, however, several tentative suggestions which describe at least the phenomenon and the moods of political decline. Among these, he lists the institutionalization of violence and the attempt, particularly in such cases as the Dominican Republic and Vietnam, to force a quick solution out of a difficult and complex situation by the application of power. These are all the more tragic or ironic, he writes, because inevitably they represent missed opportunities. In Vietnam, the issue is symbolic of fumbling in Asia and the inability of several generations of political leaders to understand China or the nature of political balance in that part of the world. Another signal of political decline, he notes, is the degeneration of Presidential leadership and the spirit of governance, governance he identifies in past American reform movements (and particularly in Franklin Roosevelt) but not today. American leadership in recent years has found the solace of power more comforting than the strains of statesmanship, and so crisis after crisis in the 1960s was met, first under Kennedy by the empty promises of rhetoric, and then under Johnson by policies that faltered as a result of LBJ's obsession with personal popularity. In the end this has meant, he concludes, the isolation of political power from truth and a growing hostility between intellectuals and politicians. This separation was particularly the result of Lyndon Johnson's "consensus" politics, which defined criticism and advice as comfort to the enemy.

These are interesting suggestions, and as descriptions of functioning policy they recall many of the bitter moments of the 1960s. But they do not offer much in the way of explanation. How one creates a situation where leaders will follow the dictates of rational advice, as Morgenthau would like them to, is difficult to imagine. The trouble lies, I think, in Morgenthau's unwillingness to carry his discouragement into a reassessment of the reasons for the Cold War or the continuing American obsession with communism. Almost twenty-five years of this posture indicates far more than poor leadership, misunderstanding of the true fulcrum of balance in world politics, or a misapprehension of the purpose of Soviet Communism. What the *forces*

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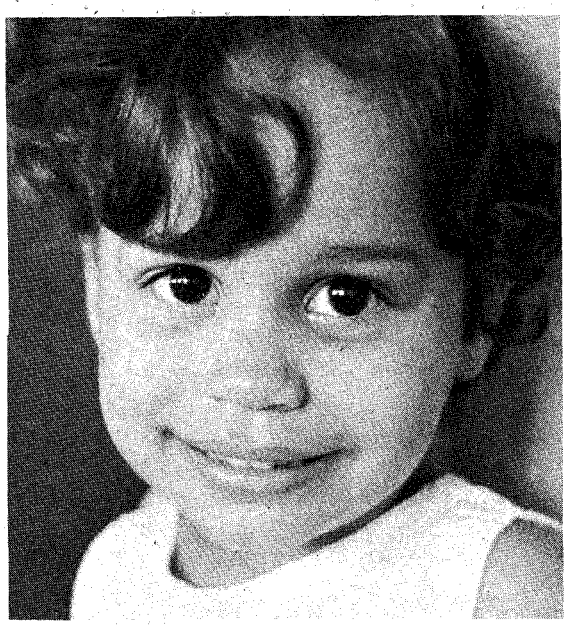
are that produce poor leadership and so on, might be better understood by examining the interrelationships between a foreign policy that advised pluralism but practiced dominance, and an internal politics that suggested a renewal of representative democracy, but practiced cooptation. But such understanding lies beyond the reach of a political science that does not inquire into social structure.

There are moments in *Truth and Power* where the expertise of the author combines with amenable subjects to produce a fascinating series of essays. These are the political profiles of men such as Charles de Gaulle, Khrushchev, U Thant, John Kennedy and others. The most interesting of these discuss de Gaulle, John Foster Dulles, John Kennedy, and Nikita Khrushchev, four men who were faced with enormous decisions and who posed their solutions in a grand manner. They could all truly be defined by traditional words like "statesmen" and "politician" whereas, Nixon and Humphrey running in 1968, emerged as degenerate forms of the species.

Beyond the personalities of politicians, the author himself and his craft are the true and most interesting subjects of this book. The juxtaposition of truth and power mark, for Morgenthau, the dialectical extremes of political action: the intellectual who offers advice and is uncommitted to past policies or political futures, and the politician who must live in action and with fickle tenure. As the author writes, "The intellectual seeks truth; the politician, power." The interaction of these two men and positions creates the necessary disharmony and nonconsensus of the democratic system. This fragile relationship, he continues, crumbled under Johnson because of the President's assault upon the intellectual community and because of the weakness and corruptibility of that community. Before Johnson the relationship did exist, however, and Morgenthau himself sensed that he was listened to, though his influence (during the Kennedy administration, and even in the John Foster Dulles years) may not have been great. With Johnson, rationalist advisers came to be distrusted, the breach between the critical intellectual community and politics widened, and the function of Morgenthau's whole reasoned approach to political science was called, even by himself, to question.

The result, however, has not been as

She Needs Your Love...



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he suggests, a widened split between truth and power, for truth is surely no monopoly of intellectuals, nor power always within the grasp of those politicians who may seem to possess it. What is most interesting is the degree to which this argument represents the dilemma of a political science which would, without either power or invitation, advise politics. *Truth and Power* does not document the creation of unsolvable problems or the growing irresponsibility of power. And I would add that whatever occurs, it is unlikely that the present justifies an optimism that politicians will listen to intellectuals, nor Morgenthau's despair that we are lost if they don't.

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The FCC Rapport
(Liveright; $2.95)

by Mason Williams

> "We're like a race horse shot full of speed to make us run harder than is good for us, to win for the owners and lose for ourselves, to win the race only for the price of the chance to run."
> – Mason Williams, *Flavors*

I like what Mason Williams does. Some of us have the words without the music. He's got both.

Tommy Smothers first introduced us. I had taken an interest in the corporate censorship of controversy and creativity on TV. The Smothers Brothers Comedy Hour was Exhibit A. Mason was then head writer for the show. (Ironically, after the show was cancelled by CBS it won an Emmy; all of which prompted Mason to quip, "Getting an Emmy from television is like getting a kiss from somebody with bad breath.")

It was the Smothers Brothers Show, and my conversations with Tommy, that first deeply impressed upon me the potential impact of the arts generally, and television in particular, on the life style and politics of people. That's an incredibly embarrassing confession for a man in his thirties to make, I know. But it's true. My background was in political science, law (a clerkship with Justice Black, teaching at Berkeley and practice in Washington), and government service (the Maritime Administration before the FCC). That was my peephole on the world – especially that part of the world having to do with political action and social reform.

Tommy's use of political satire as entertainment – and its censorship by CBS – were something I could understand within my own frame of reference. Mason took me the next step, to an appreciation of the implications of the fact that, in his words, "Television requires a less-than-freedom attitude." In other words, it's not just political satire that is kept off television, it's reality generally, and the reality of creativity in particular.

Through conversations with Mason, and reading some observations of Rollo May, I began to get a sense of the extent to which constructive social evolution is dependent upon freedom in the arts. The artists are modern day outriders. If we let them roam free, and listen carefully to what they say on their return, we can gain a better understanding of how to get our wagon train over that next range of mountains. Besides that, if you believe (as I do) that your politics is an effort to make America safe for democracy; if you, too, are trying to create a society in which every person can have a decent crack at attaining the ultimate of which he is capable; then you have to be concerned about what people are feeding their heads as well as their stomachs, about mental health as much as physical health.

My point is, those of us who read *The New Republic* must know that there are a great many ways of affecting political change, other than conventional political rhetoric or the "artistic" alternatives with their heavy political content: "protest" songs, street "theater," and so forth. For example, riding a bicycle can be a political act – as well as good exercise and an efficient means of urban transportation. Honesty in one's own human relationships constitutes a confrontation of sorts with corporate hypocrisy and hucksterism. Simplicity in life style is personal witness in opposition to the pressures for hedonistic, conspicuous consumption.

Mason Williams is an artist with that kind of political impact. He is not just

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an "entertainer," using somebody else's material over and over again at a series of one night stands designed to divert you and enrich him. He's a teacher, a minister, a public official, who is trying to help you, to care for you, to make it possible for you to become more of the person you could be. And he does it not by writing political essays, or campaign jingles, but by living what he believes to be a constructive and creative life, and then sharing a little of it with you.

It is difficult to pin down his medium. He is not just a dilettante with a specialty. Some think of him as a classical guitar player – perhaps they saw the TV special when he played with the Boston Pops Orchestra. Others think of him as a popular singer. Many know him as the composer who wrote the Grammy-winning "Classical Gas." Some think of him as a TV entertainer. A few know he has written for television. Somewhere around the country are 150,000 copies of his 1969 book, *The Mason Williams Reading Matter*, complete with everything from poetry to photography to post cards. Americans have purchased some one million copies of his four record albums. ("Classical Gas" alone sold an additional one million copies as a single.) He keeps very large bound journals. (There are now 14.) That's where most of this stuff comes from.

In October 1968 he wrote in his journal, "I think show business is the narrowest place to perform there is. I'd like to appear in the plumbing industry or in court." To my knowledge he has not yet appeared in the plumbing industry (although he is now applying his artistry to redesigning Howard Hughes' old Beverly Hills house – "What was wrong with this house is what's wrong with America," he says). But he kind of compromised between the plumbing industry and court by showing up in the FCC hearing room in July 1969. With beard, beads, open neck shirt, and guitar in hand, he ambled into a gaggle of Wall Street and Washington network lawyers and presented the seven of us FCC Commissioners *The Mason Williams FCC Rapport*. This official filing is now published and available from Liveright; it is simply a copy of the original handwritten version. ("Since this is my first official Government rapport I have chosen to write it by hand, because my favorite government documents are hand written and they

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seem to work pretty good.") He has also made the world's largest sunflower (three miles across, with a skywriting airplane), designed the Jesus kite (in fact a very religious man – in his own way – he says this is "so everybody can watch his own resurrection"), has a boxed, fold-up, life size photograph of a Greyhound Bus at the Museum of Modern Art, and has written at least eleven other privately printed books beyond the ones I've mentioned. (The most recent is one of his longest, a book length "Cancer Society Script" for a television show about cigarette smoking. Unfortunately for all of us, it proved too hot for the society and the networks to handle. Sample: "The mass media are stagnant pools where the advertising industry breeds with corporate America. The ads and commercials, like mosquitoes, go out and put the bite on the public, and we all end up infected with their economic malaria.")

If you've read this far, maybe you understand why I think it's important for you and me to know more about Mason Williams. I think you should start by looking at *Reading Matter* and the *FCC Rapport*, and listening to one of his albums. Then *Flavors*.

Like his previous books, *Flavors* is something Mason did from start to finish. (His last record album is called simply, "Handmade.") Doubleday just distributes the books and collects the money (much of which Mason gives away). In other words, Mason not only writes the books, he designs them, lays them out one page at a time, and supervises their printing at the shop of his own private printer.

Flavors, like *Reading Matter*, is a collection of poems (some of which were, or became, song lyrics), aphorisms and other brief journal entries, photographs, a road sign (he has also privately published a hilarious graphics book called *Road Sign Business*), and (new for Mason) an essay: "Autobiography" (his life story in automobiles – "I'm going to try to quit driving for the Automobile Industry"). Throughout it all run the flavors.

His stuff is often uneven, and I don't warrant it all. In fact, I don't warrant any of it. It's serious. It's whimsy. It's philosophy. It's music. You either dig Mason Williams or you don't. But it's like the way a fellow once described the difference between Democrats and Republicans: "They've got a lot in common. But the Democrats seem to have more fun." It seems to me that those who dig Mason Williams have more fun, too.

Correspondence

Help!

Sirs:

Janet Malcolm ("Help! Homework for the Liberated Woman," *NR*, October 10) believes that the new feminism may be worse than the old togetherness because somebody has to do the housework and take care of the children and we are making unhappy those women who otherwise would be happy doing so. She notes correctly that housework is a lot less onerous than it used to be, so that being a housewife really isn't a full-time job anymore, yet the boring and tedious jobs refuse to disappear entirely. Mrs. Malcolm asserts that hiring people to do this

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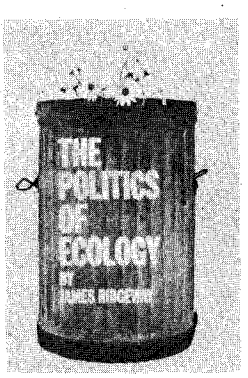

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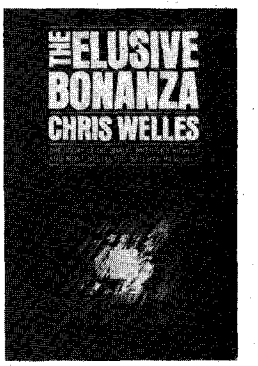

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work while the wife takes an outside job is no solution since it leaves the wife with a guilty conscience stemming from the fact that she could perfectly well do the work herself. This is a strange argument, but one that grows recognizably out of classless Jacksonian ideology. Does the housewife feel equally guilty when she patronizes the beauty salon, the bakery or a diaper service? (Some women do, no doubt.) Does her husband feel guilty when he has his secretary get plane reservations or type a batch of letters? (If he can't type now, it wouldn't take him long to learn, as many a college graduate, female, has discovered from necessity.)

What does her duty consist of? Children need looking after; husbands presumably do not. As competent adults they could look after themselves. Much of the average housewife's work, however, is spent doing for him things "that he could perfectly well do for himself," and there is no salary to compensate her for it. As long as she has plenty of time and is willing there is nothing wrong with this arrangement. What is wrong is the definition of the two sexes which says that it is right and just for (all) men to expect (all) women to assume the job of looking after their personal needs, whether these be physical (cooking, washing up, cleaning toilets, laundering underwear), social (talking intelligently to the boss, serving beer or champagne to friends and clients), emotional (keeping the kids quiet when he's feeling low) or mental (finding the best bargains, the best schools, the best political candidates). There is nothing wrong with any of these jobs or roles; they may be shared, they may be done out of self-interest, they may be performed by anyone – man or woman – generously out of love. It is the sex assignment that turns them into a mechanism of exploitation. Currently this assignment is supported by most individuals (both men and women) and institutions in our society, and it is this exploitation that the new feminism rejects in favor of real equality.

Mrs. Malcolm is rightly concerned about children; certainly their treatment as objects is to be deplored. But the point is that there are many possible arrangements for bringing up healthy happy children, some of them cooperative, some involving group care, some involving mother substitutes, and none of these arrangements has been shown to be detrimental to the children in and of itself. Good judgment about the particular arrangements and individuals involved is always necessary, as is the kind of open, honest and warm relationship between parent and child that Mrs. Malcolm approves of. The isolated middle-class suburban home, however, is no idyllic haven for children; in many ways it is frightening in its loneliness, emptiness and unalloyed subjectivity. In many ways "even the dreariest office job is better than staying home with children" *all the time*, and many women would be well-advised to take part-time jobs if they had child care centers available. In this way they would get outside the tight little systems in which so many are caught and would regain the objective sense of being part of a larger reality, a sense that can only be an asset in their roles as mothers and wives.

Katherine Nelson
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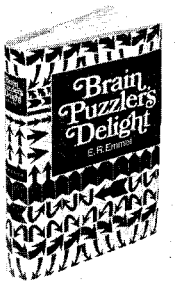

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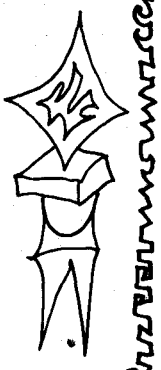

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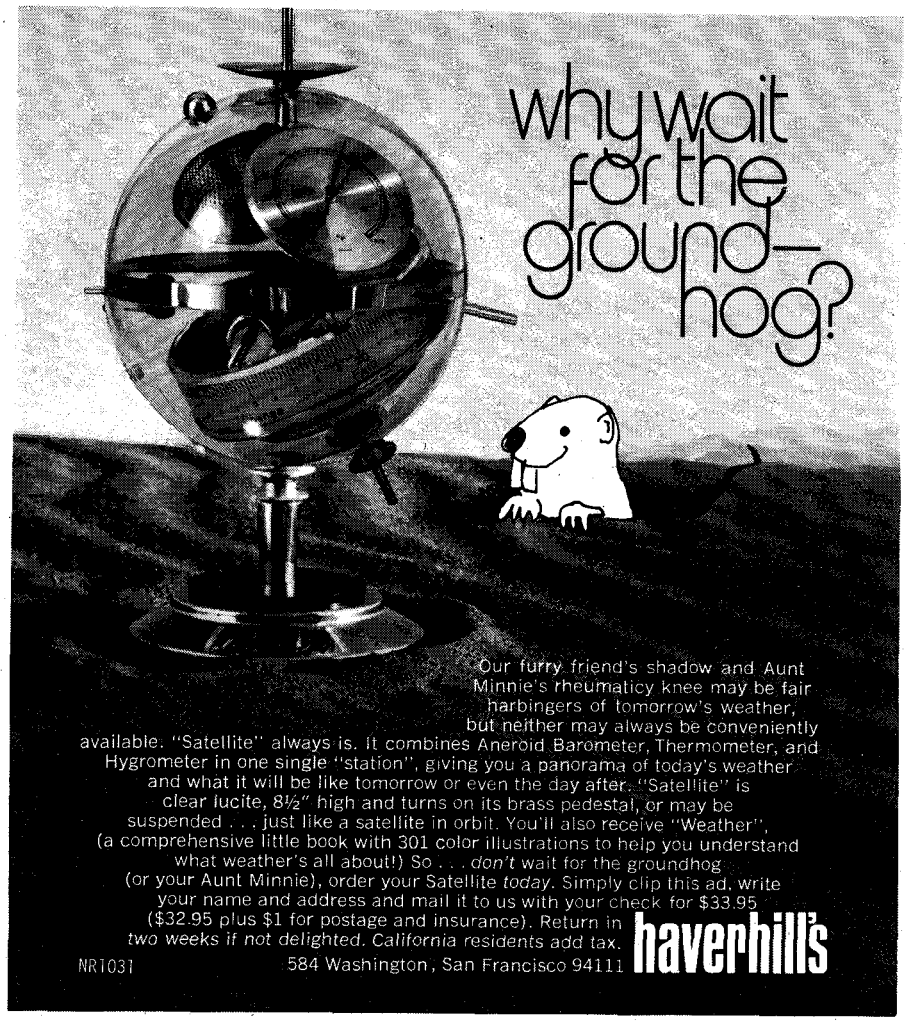
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Sirs:

Janet Malcolm makes some insulting and altogether unsupported remarks against women in the movement. Women's Lib members are guilty of child-neglect. They lack seriousness. They are unhappily married. They exploit the servant class. They pollute. They treat children as objects. They work in dreary offices and picket airlines simply to be fashionable. Etc. – .

As a college teacher involved in meaningful work, in *children's* as well as women's liberation, in an interesting and servantless family life, I resent Janet Malcolm's essay. I see it, however, as still another effort by the male press to exploit an articulate but not very conscious woman in order to undermine a movement which threatens YOUR jobs, YOUR marriages, and YOUR crystal balls.

Wake up, Sister Janet. You've been had.

Mary Jane Lupton
Baltimore, Md.

Sirs:

The article by Janet Malcolm is the sort of thing that drives women within the movement to distraction. The big thing in our movement is CHOICE –

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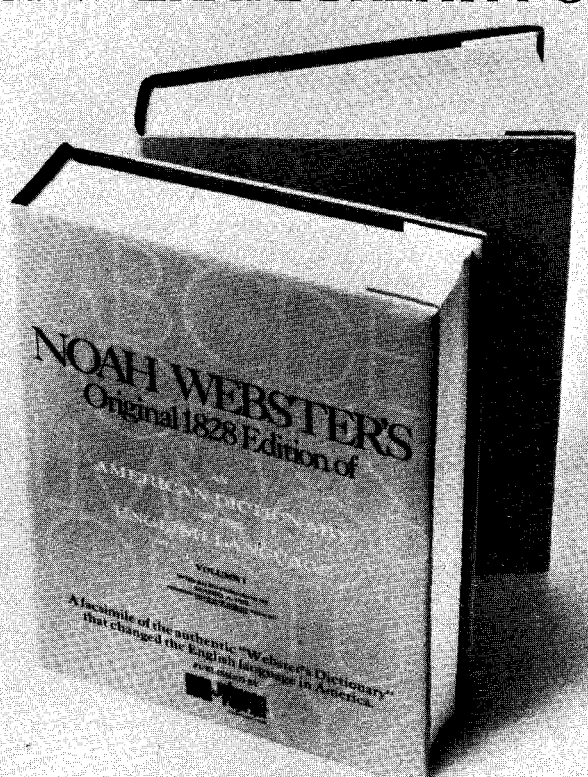

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choice for women, for the first time in their lives. Apart from a few extremists which every movement has, and who are always "starred" by the media in order to caricaturize a movement – the big emphasis is on women doing their own thing. If this happens to be being a wife, mother and homemaker, fine! BUT, and this is the issue, if these activities are not to her liking, a woman should not HAVE to do them, simply because men feel this is her "place."

Speaking personally, even though I have a degree in science, I chose to retire from the scientific arena ten years ago, and be, among other things, a homemaker. This does in no way mean that my best friend should – or should not – do the same thing. She happens to want and enjoy a career.

And we are both strong supporters of the Women's Lib movement. It's time people learned what LIBERATION means. Nothing repels me more than an "Uncle Tom" – whether in the black-white struggle, or in Women's Lib or anywhere else!

Liz Fraenkel
Westfield, N.J.

Sirs:

If it were really true that feminists feel that "even the dreariest office job is better than staying home with children," why would they be bothering to agitate for equal opportunity for women in law, medicine, business, college teaching, and administration? Although she criticizes those women whose attitudes towards children seem to betray a lack of experience with them, Mrs. Malcolm seems not to understand what even a casual observer of parents and children ought to see: it is the *quality*, not the quantity of time which a mother spends with her child that is important. If a woman who desires to work stays home all day feeling irritable with her children, do they really benefit? Does her absence from the home really alienate her children's affection if she is more loving and giving with them when they are together than she would be otherwise? I doubt it.

Judith G. Landt
Chicago, Ill.

Sirs:

In a moderate, reflective look at yesterday's "help" problem and today's "help-less" women, Janet Malcolm writes, parenthetically, "It may be significant that single women or girls who live together also don't complain about being 'exploited' and 'oppressed' in regard to the cooking, cleaning, sweeping, dusting, washing of dishes, making of beds that they have to do."

It seems perfectly obvious to me *why* single girls or groups don't complain, though the reason is significant in a way Mrs. Malcolm doesn't seem to have considered. A single girl, or single man (for that matter) either *does* the cooking, cleaning, etc., or, if he or she dislikes domestic duties, pays someone else to do them. No one can be said to be "exploited" or "oppressed" in any way. Nor have I ever heard of a group of men or women living together who expected *one* of their members to give up a job and stay home to do the chores for the rest. Such establishments generally develop simple arrangements for sharing household drudgery *equally*, so that there aren't likely to be any complaints unless one member consistently shirks when his turn comes 'round.

Perhaps we have here the clue to a more satisfactory living arrangement for marriages. If the same man who, as a bachelor, cheerfully took his turn shopping, getting meals, cleaning, and doing laundry, worked out a similar plan for sharing (just as cheerfully!) the nitty-gritty with his wife, there would be less complaints from all quarters.

Of course such an arrangement might become complicated by the arrival of children, but intelligent organization could surmount all such changes in the rules, just as it does in bachelor group establishments with the arrival or departure of a member, or the acquisition of a pet. Women who find that their husbands think child care is for women only might consider not having any until both partners can commit themselves to "taking turns" in a manner agreeable to both.

Penny W. Morris
Denmark, Maine

NOTES ON CONTRIBUTORS

ROBIN FOX *teaches anthropology at Rutgers University.* JAMES GILBERT *teaches history at the University of Maryland.* NICHOLAS JOHNSON *is a commissioner of the Federal Communications Commission (1966-73), and author of* How to Talk Back to Your Television Set.

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Sirs:

Is it selfish for a person to contribute his/her talents to our multi-role, non-traditional society? Is it indeed not more selfish for a person, whether male or female, to take from society a long, expensive, and publically financed education or training and to give no return for it? Can our society afford the luxury of using many of its specially educated and trained people to fill only one role, that of personal attendants to a limited number of children? Is it more selfish for a woman to seek a life to her own interest than it was for servants mentioned by Mrs. Malcolm, to abandon domestic work for other, better opportunities? Do the women of women's liberation make selfish demands in asking for the dignity and sense of personal worth that comes from doing interesting, rewarding work, even if that work be outside of child care? Are those of us who ask for some flexibility of opportunity in life, who ask to use training and talent as much as possible, only deserving of the barbarous insult of "selfish"?

Rosemary Schwedes
Minneapolis, Minn.

Sirs:

Despite the fact that both their parents work, our children are happy and loved and less 'objects' than they might well be to a mother whose life revolved completely around home and family. My daughter seems to understand better than Mrs. Malcolm: "It must be boring for grown ups to be around children all the time." Not true, of course, for all adults, but certainly for a substantial number, including many women gifted with minds, ability, energy and the desire for life beyond the home. Why have they less right to a satisfying career than the men who are their equals? And just as there will always be women (and men) who wish to spend their days working with children, so, too, there are those who do enjoy the housework which others, like myself, find tiring and unsatisfying.

The problem Mrs. Malcolm raises is not one of finding help or hurting children. I doubt that honestly happy parents have unhappy kids, and houses will some how be cleaned – quickly if you hate the work, well if you like it. No, the problem in human liberation – for women and men, black and white, straight and gay – seems to lie in the fear of loss by some of an already shaky sense of superiority or security.

Paula Brody
Schuylerville, New York

Sirs:

If men are willing to let a wife bring in a salary, then they should revise their marriage vows to read, "love, honor, and help with the diapers too." Women have borne enough guilt in the world. That's what the liberation movement is all about – relief from the burden of the world's guilt. Men have managed to con women into being personal counselor and doormat for just one century too long. No longer should woman be taken in by articles by such shallow writers as Janet Malcolm who obviously does not have the background to write such an article. You men published her for spite, no doubt.

Georgie Kunkel
Seattle, Wash.

Sirs:

Women who believe in the new feminism ought to take note as well of the pitfalls of the male oppressor type of analysis which has become fashionable. The Janet Malcolms are really deadlier than most males, and they are often to be found working outside those houses so filled with "modern conveniences." (Welfare mothers, are your houses like that? Women with miserly - patriarchal husbands, are yours?) In fact the Janet Malcolms are very much a part of the child psychiatry-psychology-social work establishment which makes more and more mothers and their female offspring its victims these days.

Lady Malcolm, the ghost of D. H. Lawrence has a message for you – get away from your typewriter and get back to your housewifery. Your children are calling you, and your husband has a nice new board for you to sleep on.

Mrs. June B. Costello
Buffalo, NY

Sirs:

Janet Malcolm has made a useful point, especially for the militant feminists: that not every woman has the desire or the capacity for a "career." It is unfortunate that in the struggle for equal rights, some feminists have created a new stereotype out of their assumption that no "liberated" woman willingly stays at home and keeps house.

True liberation entails freedom from preconceived roles, whether of the housewife or of the working woman. We will be liberated only when we hold each way of life in equal esteem, with no stigma attached to the choice of either.

Karen Feinberg (Mrs. Wm.)
Washington, DC

Sirs:

Perhaps, as Janet Malcolm states, D. H. Lawrence believed that "a woman who loves a man would sleep on a board," but I doubt that he would approve of Miss Malcolm's stretching the quotation to make it mean that the same woman would "dislike the idea of men doing any housework at all." Dorothy Brett's *Lawrence and Brett* and Frieda Lawrence's *Not I but the Wind . . .* are full of descriptions of Lawrence making stew, scrubbing floors, and fussing over interior decoration, and in *Lorenzo in Taos* Mabel Dodge Luhan says: "He did a good deal of the housework at home; he always did the baking, and at least half of the cooking and dish-washing. When Frieda and he went off together, he taught her how to do all of these things. He taught her how to wash clothes, how to scrub them clean and rinse them in cold water with bluing in it and to hang them in the sun to make them come white; and one of the few things Frieda really liked to do about the house was this washing."

Mary Swiggart
Waban, Mass.

Sirs:

Janet Malcolm, please turn down your oven – one reader is burning.

No, Janet, children have *not* always been what domestic life is about; serving the sovereign – husband – has been, even in childless homes. Further, the feminist is not deciding she is more important than her children. She is creating no either-or situation, but she certainly is rejecting forced submission, anyone's – females', males', blacks', whites', children's.

Janet Malcolm's verbal life net, "Help!" merely takes the female for a ten minute fling from the fire, then throws her back for one more good fry.

Joy B. Dally
Bowling Green, Ohio

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Sir:

Are you quite sure that Janet Malcolm ("Help!", Oct. 10) isn't a secret agent from *The Ladies' Home Journal*? . . . It is not "parental neglect" for a working mother to place her child in nursery school or a playgroup. After all, we do not call it neglect when we send our older children out of the home to school. My eight-month-old boy is delighted when he has the opportunity to stay in another home for the afternoon, to play with new toys, see new faces and meet other children.

Myrna Walton
Berkeley, Calif.

To the Editors:

The difficulty with Janet Malcolm's discussion in "Help!" is that her fundamental assumption is wrong. She assumes that responsibility for the care of young children belongs to mothers. Therefore "whether or not to sacrifice or interrupt a career in order to take care of one's children . . ." becomes the mother's problem. When Mr. Malcolm understands that the care of children belongs to *both* parents and in a larger sense, to society, then she will be able to envision some solutions to other related problems which concern her about the care of young children.

Nancy Milio
Ann Arbor, Mich.

Kauffmann, *from page 30*

more acceptable because a lot of the artiness is excised. But in the screenplay, by Sackler himself, some of the rest now looks egregiously artificial. Jack's estranged girl arrives in the gym just as the newspapermen are interviewing him, the white girl's body is brought into the Mexican barn just as the police chief is about to shoot Jack.

There is one felicitous touch in Martin Ritt's direction: instead of showing us all of Jack's first fight, he simply gives us a flash of Jack toying easily with the white boxer who has been brought out of retirement to finish him off. After the big build-up, that one brief flash was good. All the rest is either obvious or stagy, like the very first moment – in which a group literally "enter" as if onto a stage. Ritt apparently wanted to handle this film as a series of theater scenes – there is virtually no break-out from the shape of Sackler's play except for the final fight – but he lacked the will or skill to carry through the necessary stylization, as, in different vein, Ophuls did in *La Ronde*.

Ritt inherited the performances of James Earl Jones and Jane Alexander from the theater production, and the interplay between them is more finely honed than in most films. Jones is a very mannered actor, but Jack fits his mannerisms better than any role I have seen him in. He's a big man, and he paints in some big bold colors of chuckling triumph and bitterness. Miss Alexander, his white mistress, has features more apt for the stage than the screen, but in her earlier scenes she gets some tenderness, some sense of fate. She plays her last scene well, but the author and director have arbitrarily forced the character to look haggard to help the scene along. More traffic-controlled tragedy.

Some of the recording is poor. I couldn't understand a word that Moses Gunn said in the bit of the chorus that is retained. And I couldn't hear the climactic question that the reporter asks Jack after his last fight. Poorly staged, anyway – a medium long shot with the questioner's back to us. Burnett Guffey, who photographed *Bonnie and Clyde* so well, has provided color that is vintage 1940.

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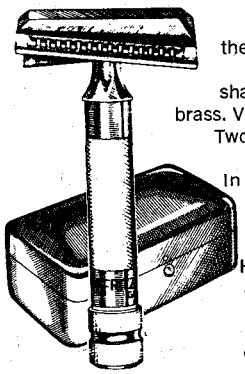

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Ten little losers, standing in a line. One bought our magazine. Then there were nine.

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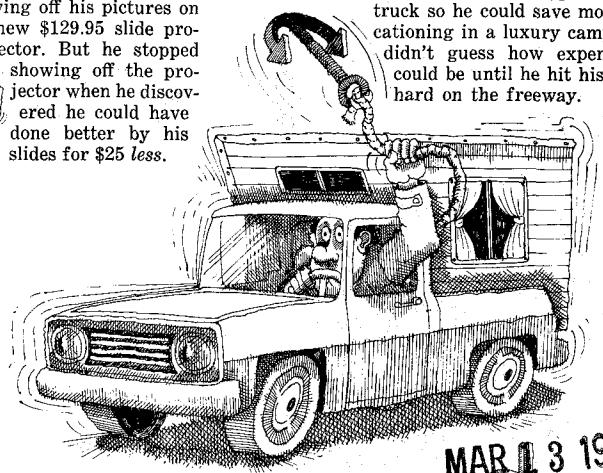
When Ann A.'s new $129.95 food waste disposer kept jamming on bones and refused to chew up grapefruit-rind halves, she wanted to kick the manufacturer. But when she found out she could have bought a disposal that *would* dispose of such things for only $112, she wanted to kick herself.

Bill B. felt like a million in his $70 raincoat—until he needed a *snow*coat and realized he could have gotten a raincoat he liked *with* a zip-in alpaca lining for just $60.

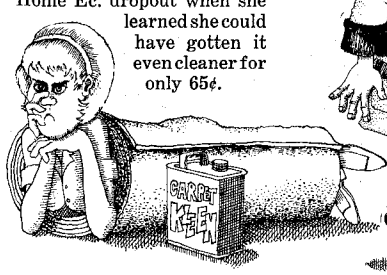
Charlie C. had a great time showing off his pictures on his new $129.95 slide projector. But he stopped showing off the projector when he discovered he could have done better by his slides for $25 *less*.

Dave D. bought a ¾-ton pickup truck so he could save money vacationing in a luxury camper. He didn't guess how expensive it could be until he hit his brakes hard on the freeway.

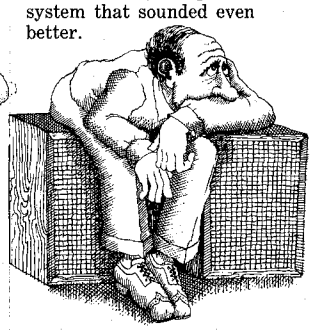


Frank F. loved the new $1.75 briefs his wife bought for his birthday . . . until they came out of the washer. If only she'd read *Consumer Reports*, she could have *kept* Frank happy and saved a lot of money.

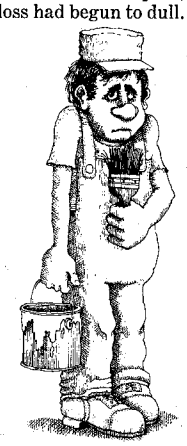
Edith E. thought she was really saving money when she cleaned her 9x12 rug herself for only $2.60. She felt like a Home Ec. dropout when she learned she could have gotten it even cleaner for only 65¢.



The crowning touch on George G.'s stereo system was a pair of $250 loudspeakers. Nobody told him that the same manufacturer made a $128 speaker system that sounded even better.



Harry H. wanted to invest in the best when he repainted the bathroom. But by the time he learned that the best cost 70¢ *less* a quart than what he'd paid, the gloss had begun to dull.



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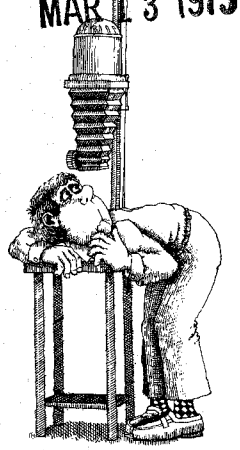

Irving I. really felt like a pro with his new $174.50 enlarger. When he started pricing *lenses* for it, he wept all over his darkroom for not knowing about a higher rated model he *could* have bought for $135 *complete*.

Johnny J. made up his mind that he'd never again spend his hard-earned money on power mowers with poorly-shielded blades, circular saws that jammed, caulking compounds that shrank and cracked, antenna amplifiers that didn't improve his TV picture, convertible sofas his wife couldn't open, clothes dryers that snagged the laundry, boats that capsized if they took on too much water, and products that just weren't worth the price.

He subscribed to CONSUMER REPORTS.

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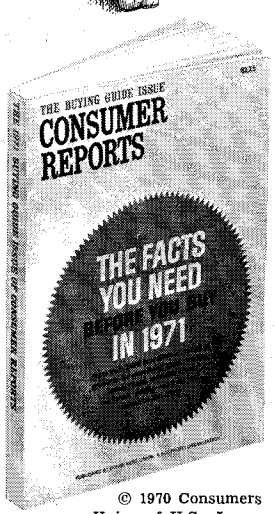

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